

SENATE.

TUESDAY, December 14, 1920.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee continually amid the unrest of the world and the unrest of our own hearts seeking divine favor, looking for the light of divine revelation upon the duties and problems of the present time. We thank Thee that we are unsatisfied, that there is a goal and an inspiration within us that leads us to aspire for the highest and the best. We thank Thee for every indication that Thou art favorable to the highest and dost lead us to the best. Give us that devotion of spirit and that spiritual insight into the purposes of God that will enable us to work nobly and well in the sphere to which Thou dost call us this day. Let Thy blessing abide upon our work. For Christ's sake. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day, Saturday, December 11, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

EXPENDITURES, DEPARTMENT OF AGRICULTURE.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a detailed statement of expenditures of the Department of Agriculture for the fiscal year ended June 30, 1920, which was referred to the Committee on Agriculture.

CONVENTION OF AMERICAN INSTRUCTORS OF THE DEAF.

The VICE PRESIDENT laid before the Senate a communication from the American Instructors of the Deaf, transmitting, pursuant to law, the proceedings of the twenty-second meeting of the convention, held at Mount Airy, Philadelphia, Pa., June 28 to July 3, 1920, which was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bill and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 14461. An act to provide for the protection of the citizens of the United States by the temporary suspension of immigration, and for other purposes.

H. J. Res. 382. Joint resolution declaring that certain acts of Congress, joint resolutions, and proclamations shall be construed as if the war had ended and the present or existing emergency expired.

H. J. Res. 407. Joint resolution authorizing the payment of salaries of officers and employees of Congress for December, 1920, on the 20th day of said month.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 34) providing for the appointment of a committee to make the necessary arrangements for the inauguration of the President elect of the United States on the 4th day of March next, and that the Speaker of the House had appointed Mr. CANNON, Mr. REAVIS, and Mr. RUCKER as members of the committee on the part of the House.

INAUGURATION OF PRESIDENT ELECT.

The VICE PRESIDENT. Pursuant to the provision of the concurrent resolution (S. Con. Res. 34) providing for the appointment of a committee to make the necessary arrangements for the inauguration of the President elect of the United States on the 4th day of March next, the Chair appoints Mr. KNOX, Mr. NELSON, and Mr. OVERMAN members of the committee on the part of the Senate.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Gronna	Lodge	Simmons
Beckham	Harris	McCumber	Smith, Ga.
Borah	Harrison	McKellar	Smith, Md.
Brandegee	Heflin	McLean	Smoot
Calder	Henderson	McNary	Spencer
Capper	Hitchcock	Moses	Sterling
Chamberlain	Jones, Wash.	Nelson	Sutherland
Culberson	Kellogg	New	Thomas
Curtis	Kendrick	Norris	Trammell
Dial	Kenyon	Overman	Underwood
Dillingham	Keyes	Page	Wadsworth
Edge	King	Phelps	Walsh, Mass.
Fernald	Kirby	Poin Dexter	Walsh, Mont.
Fletcher	Knox	Pomerene	Warren
France	La Follette	Ransdell	Watson
Frelinghuysen	Lenroot	Sheppard	

Mr. CHAMBERLAIN. I was requested to announce that the Senator from Idaho [Mr. NUGENT] and the Senator from Nevada [Mr. PITTMAN] are absent on business of the Senate.

Mr. HARRISON. I was requested to announce the absence of the Senator from North Dakota [Mr. JOHNSON] on account of illness.

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. There is a quorum present.

HOUSE BILL AND JOINT RESOLUTION REFERRED.

H. R. 14461. An act to provide for the protection of the citizens of the United States by the temporary suspension of immigration, and for other purposes, was read twice by its title and referred to the Committee on Immigration.

H. J. Res. 382. Joint resolution declaring that certain acts of Congress, joint resolutions, and proclamations shall be construed as if the war had ended and the present or existing emergency expired, was read twice by its title and referred to the Committee on the Judiciary.

PAY OF EMPLOYEES.

H. J. Res. 407. Joint resolution authorizing the payment of salaries of officers and employees of Congress for December, 1920, on the 20th day of said month, was read twice by its title and referred to the Committee on Appropriations.

Mr. WARREN subsequently said: From the Committee on Appropriations I report back favorably without amendment the joint resolution (H. J. Res. 407) authorizing the payment of the salaries of officers and employees of Congress for December, 1920, on the 20th day of said month, and I ask unanimous consent for its present consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TRANSMITTAL OF EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT. In order that the Senate may be informed as to certain action taken by the Vice President outside of the Senate I am making this statement. At the Sixtieth Congress the Senate passed the following resolution:

Resolved, That no communication from heads of departments, commissioners, chiefs of bureaus or other executive officers, except when authorized or required by law, or when made in response to a resolution of the Senate, will be received by the Senate, unless such communication shall be transmitted to the Senate by the President.

The present occupant of the chair has held that the Senate passed that resolution in conformity to the clause of the Constitution of the United States which provides that among other duties of the President—

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.

Certain solicitors of various departments of the Government have disagreed with the Vice President to the extent of saying that the resolution adopted in the Sixtieth Congress only applied to the Sixtieth Congress. Various departments and bureaus are constantly sending to the Vice President recommendations as to what the Congress should or should not do, without submitting the same to the President of the United States. I am holding that they have no right to do that, regardless of a resolution of the Senate of the United States; that the legislation of the United States of America originates in either the Senate or the House and that recommendations with reference to such legislation must come either from or through the President of the United States.

If the Senate is of the opinion that the ruling of the Vice President is wrong, there are a number of matters that can be handed down.

Mr. POINDEXTER. Mr. President, as a matter of parliamentary information, do I understand that the resolution to which the Vice President refers applies to resolutions passed by the Senate and addressed to the head of a department?

The VICE PRESIDENT. Certainly not. I read the resolution. It provides that nothing shall be received except through the President, unless in response to a resolution of the Senate or in accordance with law.

Mr. POINDEXTER. So that a resolution of the Senate addressed to the head of a particular department would be an exception to the general rule?

The VICE PRESIDENT. Certainly. What the Chair has been ruling, and to which the solicitors of certain departments of the Government are objecting, is that unless the Senate calls for certain information, or unless the law provides that he shall give the information to Congress, if they want legislation here they shall have it submitted by the President of the United States. I think that is in accordance with the Constitution.

I call attention to it so that if Senators think the Chair is in error, the Chair may be corrected and hereafter hand these communications down. I have been sending them back.

Mr. LODGE. Mr. President, I only desire to say, speaking as one Senator, for myself, that I think the Chair's ruling is absolutely correct.

PETITIONS AND MEMORIALS.

Mr. McCUMBER presented a petition of the commission of the city of Fargo, N. Dak., praying for the enactment of legislation giving power to the Interstate Commerce Commission to fix the price of coal, which was referred to the Committee on Interstate Commerce.

Mr. KNOX presented a memorial of Charlesville Grange, No. 698, Patrons of Husbandry, of Charlesville, Pa., remonstrating against the enactment of legislation providing for compulsory universal military training, which was referred to the Committee on Military Affairs.

He also presented a memorial of Washington Camp, No. 412, Patriotic Order Sons of America, of Charlesville, Pa., remonstrating against the enactment of legislation providing for compulsory universal military training, which was referred to the Committee on Military Affairs.

He also presented a memorial of Bedford County, Pa., Pomona Grange, No. 24, remonstrating against the enactment of legislation providing for a tax of 1 per cent on all real estate above the value of \$10,000, which was referred to the Committee on Finance.

He also presented a petition of The Neighbors, of Hathboro, Pa., praying for the enactment of legislation providing for the protection of maternity and infancy, which was ordered to lie on the table.

He also presented a petition of the Woman's Club of York, Pa., praying for the enactment of legislation providing for the public protection of maternity and infancy, which was ordered to lie on the table.

He also presented a petition of the Crawford County, Pa., Pomona Grange, No. 26, praying for the enactment of legislation providing for the protection of maternity and infancy, which was ordered to lie on the table.

He also presented memorials of Local Union No. 4716, United Mine Workers of America, of Lilly, Pa.; the Local Union No. 561, United Mine Workers of America, of Shamokin, Pa.; the Local Union No. 3519, United Mine Workers of America, of Bennington, Pa.; the Local Union No. 3772, United Mine Workers of America, of Kittanning, Pa.; and the Local Union No. 2295, United Mine Workers of America, of Curwensville, Pa., remonstrating against the enactment of legislation providing for the parole of Federal political prisoners, which were referred to the Committee on the Judiciary.

Mr. SMITH of Maryland presented a petition of the board of directors of the Chamber of Commerce of Baltimore, Md., praying for the enactment of legislation extending the time for payment of Federal taxes, which was referred to the Committee on Finance.

CARE OF DISABLED SOLDIERS.

Mr. WADSWORTH. Mr. President, I present this case to the Senator from Utah: I am in receipt of a report made by the Joint Committee for Aid to Disabled Veterans, sent to me very much in the nature of a petition, and requesting that Congress authorize certain things to be done in the management of hospitals and in connection with the care of disabled veterans, and that certain amendments be made to existing statutes. The subject is one of immense interest to every man who served in the military forces of the United States and to citizens generally. Their request is that I present this matter to the Senate and ask that it be printed in the CONGRESSIONAL RECORD. I therefore ask unanimous consent that that may be done.

Mr. SMOOT. Mr. President, I object.

The VICE PRESIDENT. What can the Chair do about the matter?

Mr. SMOOT. Let it go to a committee.

Mr. WADSWORTH. It can go to several committees.

The VICE PRESIDENT. Objection is made.

Mr. WADSWORTH. I present it, in any event, and ask that it be noted in the RECORD.

The VICE PRESIDENT. The matter referred to by the Senator from New York, in the nature of a petition, will be received and referred to the Committee on Military Affairs.

REPORT ON HOUSING CONDITIONS.

Mr. CALDER. Mr. President, the select committee appointed by the Senate under Senate resolution 350 to inquire into the country's housing conditions and matters of fuel, transportation,

and thrift as they relate to housing, submits a preliminary report (No. 666) thereon.

The committee has visited many of the principal cities of the country and has made a careful survey of conditions. It has found that there really exists a critical nation-wide housing shortage, brought about to a very material extent by interference of the Federal Government during the war. While helpful Federal action is necessary and should be taken, it should be in the nature of providing facilities rather than subsidies.

Profiteering has been rampant and must be eliminated, and the committee believes that actual costs of production may be reduced through improvement of national facilities, notably fuel and transportation. The committee believes that the activities of the Interstate Commerce Commission must be directed toward regulation of the railroads rather than of industry in general. Existing conditions in the production and distribution of fuel, a most important basic factor, must be corrected. Labor efficiency may be materially improved. Capital will invest in construction work when it becomes a paying proposition, unless driven away by taxation, which therefore becomes an important factor.

The committee is preparing and will soon submit and urge early favorable action upon measures in line with its recommendations, which are based upon careful study of the whole situation. Its present report is, in a sense, an introductory one. The committee has in course of preparation detailed statements on the various factors entering into present conditions, and more particularly for the preparation of the measures referred to.

I ask that the report be printed, with a report of Senators KENYON and EDGE, two members of the committee, which I file herewith.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably Senate resolution 392, authorizing the committee which has just reported to employ counsel. I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 392) was read, as follows:

Resolved, That the resolution of the Senate, No. 350, agreed to April 17, 1920, authorizing a special committee of the Senate to investigate the existing situation in relation to the general construction of houses, manufacturing establishments, and buildings, and the effect thereof upon other industries and upon the public welfare, be, and the same is hereby, amended to empower said special committee to employ counsel, to be paid from the contingent fund of the Senate.

The VICE PRESIDENT. The Senator from New York asks unanimous consent for the present consideration of the resolution. Is there any objection?

Mr. CURTIS. Mr. President, I object to its present consideration.

The VICE PRESIDENT. Objection is made. The resolution will be placed on the calendar.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MOSES:

A bill (S. 4635) granting a pension to Charles F. Burleigh (with accompanying papers); to the Committee on Pensions.

By Mr. DIAL:

A bill (S. 4636) to amend section 5 of the United States cotton-futures act, approved August 11, 1916, as amended; to the Committee on Agriculture and Forestry.

By Mr. FERNALD:

A bill (S. 4637) for the relief of Griffith L. Johnson (with accompanying paper); to the Committee on Claims.

By Mr. CHAMBERLAIN:

A bill (S. 4638) to provide for the relief of certain officers of the Naval Reserve Force, and for other purposes; to the Committee on Naval Affairs.

Mr. JONES of Washington. I introduce a bill sent by the Department of Commerce, to distribute the commissioned line and engineer officers of the Coast Guard in grades in the same proportions as provided by law for distribution in grades of commissioned line officers of the Navy, and for other purposes. It is to meet the views of the department. I introduce it so that it may be referred to the committee and have consideration.

By Mr. JONES of Washington:

A bill (S. 4639) to distribute the commissioned line and engineer officers of the Coast Guard in grades in the same proportions as provided by law for the distribution in grades

of commissioned line officers of the Navy, and for other purposes; to the Committee on Commerce.

Mr. JONES of Washington. At the request of the Water Power Commission, I present a bill amending the water-power act, giving them authority to employ additional help, which they claim is absolutely necessary under the terms of the act as passed, to carry out the purposes of the act.

By Mr. JONES of Washington:

A bill (S. 4610) to amend section 2 of an act entitled "An act to create a Federal Power Commission; to provide for the improvement of navigation, the development of water power, the use of the public lands in relation thereto; and to repeal section 18 of the river and harbor appropriation act approved August 8, 1917, and for other purposes," approved June 10, 1920; to the Committee on Commerce.

By Mr. KENDRICK:

A bill (S. 4641) to provide for reimbursement for irrigation systems constructed on the Wind River Reservation, Wyo.; to the Committee on Indian Affairs.

By Mr. FLETCHER:

A bill (S. 4642) to increase the pensions of surviving soldiers of the various Indian wars (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 4643) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919; to the Committee on Education and Labor.

By Mr. DILLINGHAM:

A bill (S. 4644) to provide for the establishment of Battell National Park, in the State of Vermont; to the Committee on Public Lands; and

A bill (S. 4645) to authorize the Commissioners of the District of Columbia to close upper Water Street between Twenty-first and Twenty-second Streets NW.; to the Committee on the District of Columbia.

By Mr. SUTHERLAND:

A bill (S. 4646) granting a pension to Maggie B. Sullivan; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 4647) granting a pension to Laura Frazier; to the Committee on Pensions.

By Mr. KING:

A bill (S. 4648) to grant citizens of Washington and Kane Counties, Utah, the right to cut timber in the State of Arizona for agriculture, mining, and other domestic purposes; to the Committee on Public Lands.

By Mr. WADSWORTH:

A joint resolution (S. J. Res. 223) authorizing the Secretary of the Treasury to enter into an agreement to lease or to execute lease for hospitals acquired or to be constructed by the State of New York, or other States of the United States of America, for the care and treatment of beneficiaries of the Bureau of War Risk Insurance; to the Committee on Appropriations.

By Mr. CHAMBERLAIN:

A joint resolution (S. J. Res. 224) authorizing the President to invite foreign nations to take part in the Atlantic-Pacific Highways and Electrical Exposition at Portland, Oreg., in 1925; to the Committee on Foreign Relations.

REDUCTION OF NAVAL ARMAMENT—DISARMAMENT.

Mr. BORAH. I introduce a joint resolution which I ask may be read and referred to the Committee on Foreign Relations.

The joint resolution (S. J. Res. 225) authorizing the President of the United States to advise the Governments of Great Britain and Japan that the Government of the United States is ready to take up with them the question of disarmament, etc., was read the first time by its title and the second time at length and referred to the Committee on Foreign Relations, as follows:

Whereas a representative and official of the Japanese Government has advised the world that the Japanese Government could not consent even to consider a program of disarmament on account of the naval building program of the United States; and

Whereas by this statement the world is informed and expected to believe that Japan sincerely desires to support a program of disarmament, but can not in safety to herself do so on account of the attitude and building program of this Government; and

Whereas the only navies whose size and efficiency requires consideration on the part of this Government in determining the question of the size of our Navy are those of Great Britain and of Japan, two Governments long associated by an alliance; and

Whereas the United States is now and has ever been in favor of a practical program of disarmament: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is requested, if not incompatible with the public inter-

ests, to advise the Governments of Great Britain and Japan, respectively, that this Government will at once take up directly with their Governments and without waiting upon the action of any other nation the question of disarmament, with a view of quickly coming to an understanding by which the building naval programs of each of said Governments, to wit, that of Great Britain, Japan, and the United States, shall be reduced annually during the next five years 50 per cent of the present estimates or figures.

Second, that it is the sense of the Congress, in case such an understanding can be had, that it will conform its appropriation and building plans to such agreement.

Resolved further, That this proposition is suggested by the Congress of the United States to accomplish immediately a substantial reduction of the naval armaments of the world.

DISTRICT OF COLUMBIA CORPORATIONS.

Mr. POMERENE. I ask that the Committee on Corporations Organized in the District of Columbia be discharged from the further consideration of the bill (H. R. 5416) to authorize corporations organized in the District of Columbia to change their names, and that the bill be referred to the Committee on the District of Columbia.

I make this request for this reason: This bill has passed the House. I am advised that, perhaps at the previous session, a similar bill was considered by the District of Columbia Committee and passed by the Senate.

The VICE PRESIDENT. Without objection, the change of reference will be made.

THE DADE MASSACRE.

Mr. FLETCHER. Mr. President, on the 28th of December, 1835, there occurred at a place about a mile and a half southwest of what is now Bushnell, Fla., one of the most disastrous battles in the history of our Army—the numbers involved on both sides considered. It was what is known as the Dade massacre, where an entire command of the Regular Army of the United States, except only three privates, was wiped out. The command was that of Maj. Francis L. Dade. The troops, composed of 8 officers and 101 noncommissioned officers and men, were proceeding from Tampa to Fort King, near Ocala, Fla., when a superior force of Indians, which was concealed in the palmettos and grass near by, suddenly and unexpectedly attacked them; and although there were extraordinary courage and fortitude displayed on the part of the United States troops, they were slaughtered and only three privates out of the whole command escaped. Even that was almost miraculous, for they themselves were severely wounded and were supposed to have been killed.

There has been written an article on this subject by Mr. Fred Cubberly, a prominent attorney of Gainesville, Fla., and formerly United States district attorney for the northern district of Florida, who has visited the ground and studied the reports and the records and maps. I think it is due to the truth of history and for the preservation of our records that this article, entitled "The Dade Massacre," be printed as a public document, and I am offering a resolution providing that the paper, which is condensed and not very long, which, as I have stated, has been written by Mr. Cubberly, be printed as a public document, together with the maps and illustrations. These grounds ought to be made a national park and a suitable monument should be erected where this battle took place. I ask that the resolution may be referred to the Committee on Printing.

The resolution (S. Res. 406) submitted by Mr. FLETCHER was read and referred to the Committee on Printing, as follows:

Resolved, That the accompanying paper, entitled, "The Dade Massacre," by Fred Cubberly, together with the accompanying maps and illustrations, be printed as a public document.

IMPORTATIONS OF WHEAT.

Mr. McCUMBER. I ask to have printed in the RECORD a short statement published in the Washington Star of last evening in regard to Canadian wheat importations into the United States. It relates to a most vital problem. I desire to call the attention of Senators to the pertinent fact that we passed a joint resolution yesterday seeking in some way to dispose of our surplus American wheat. I hope that some good will come of that measure, but I do not understand what good can come of it until we cease importing wheat from Canada. The article in the Star states:

Since December 1 the shipments have been remarkable. Within 24 hours 15 vessels laden with wheat left Fort William, Ontario, for United States ports.

In political circles in Ottawa there is no surprise at the unprecedented shipments. It is stated that "more than twenty times as much wheat has been sent from Fort William and Port Arthur, the principal Canadian points of shipment, to the United States, than was sent last year."

Reports a few days since indicate over 72,585,000 bushels of wheat received at elevators at Fort William and Port Arthur; 45,420,000 bushels have been shipped to the United States, and it is prophesied that there will be considerable in addition to this.

The 45,000,000 bushels already dispatched to Buffalo or other southern ports take no account of the enormous shipments that have gone forward since December 3, up to which date the records were available. Five million bushels still can be placed aboard vessels now lying in harbor, and before navigation closes Canada will have sent to the United States ports, through elevators here, about 56,000,000 bushels of wheat.

I call the attention of Senators to the fact that the wheat crop of 1920 in the United States is about 750,000,000 bushels. It will take at least 650,000,000 bushels of wheat for bread and seed for the American people. That will not leave more than 100,000,000 bushels of the American grain for export.

We are exporting, as I am informed, quite heavily at the present time, but if we could stop imports in a month the price of American wheat would be as high as it was a year ago, in my opinion, because there would be a shortage. If we can not do that, we shall have to take care of 200,000,000 bushels of Canadian wheat in the United States, which will complicate matters. I present the article and ask that all of it may be printed in the RECORD, in the hope that it will reach the other House as well, which has original jurisdiction, or, at least claims it, in such matters.

Mr. SMOOT. Mr. President, the Senator has read the substance of the article. At the last session of Congress it was decided that no more editorials from newspapers or magazines should be printed in the RECORD, and I ask the Senator now, in view of that fact, to withdraw his request.

Mr. McCUMBER. Mr. President, such articles are constantly printed in the RECORD. I could have read the whole article, but it is very short, and I hope the Senator will not object.

Mr. SMOOT. Mr. President, so that it will not be claimed that any favoritism is being shown, I will now make it known that I intend to object to placing in the RECORD any editorial or articles from newspapers and magazines of any kind in accordance with the sentiment expressed by the Senate at the last session.

Mr. McCUMBER. As I remember, that objection was overruled, and during all of the last session, in the latter part of the session at least, there was not a single instance where anything presented was not allowed to go in. This is such an important matter that we will lose no time if the remainder of the article, in addition to what I have quoted, may go into the RECORD. I hope the Senator will not oppose my request.

Mr. SMOOT. I give notice that from now on I shall object to the printing in the RECORD of any matter from newspapers and magazines, and if such matter goes in it will only be after my objection has been overruled.

Mr. McCUMBER. I should like to give notice that very little attention will be paid to it.

Mr. SMOOT. That may be true.

The VICE PRESIDENT. The Chair has heard the same suggestion before. Is there objection to the request of the Senator from North Dakota?

There being no objection, the article was ordered printed in the RECORD, as follows:

CANADIAN WHEAT IS RUSHED TO UNITED STATES—SHIPMENTS IN LARGE QUANTITIES DUE TO EXPECTED TARIFF LAW CHANGES.

[Special dispatch to The Star.]

OTTAWA, December 13.

Anticipating legislation at Washington which may either put an embargo on or considerably raise the tariff on Canadian wheat, enormous shipments are being made from Canadian points to United States points, particularly to Buffalo and Duluth.

Since December 1 the shipments have been remarkable. Within 24 hours 15 vessels laden with wheat left Fort William, Ontario, for United States ports.

In political circles in Ottawa there is no surprise at the unprecedented shipments. It is stated that "more than twenty times as much wheat has been sent from Fort William and Port Arthur, the principal Canadian points of shipment, to the United States than was sent last year."

OTTAWA NOT SURPRISED.

The heavy movements of wheat from Fort William to the United States have occasioned no surprise to Government officials here, in view of the approaching close of navigation, the possibility of a duty being imposed on Canadian wheat by the United States, and the fact that the wheat movement this year has been largely an over-the-border movement. This has been largely because the allied governments have not been in the market for Canadian wheat and the British market has absorbed but little of the Canadian product up to the present time. The heavy movement by rail from prairie points to the United States ports, more particularly Duluth, was emphasized at a recent sitting of the railway board, when the request of the Winnipeg Grain Exchange for a ruling providing for the payment of the Canadian part of the international rate in Canadian instead of American currency was considered.

Reports a few days since indicate over 72,585,000 bushels of wheat received at elevators at Fort William and Port Arthur; 45,420,000 bushels have been shipped to the United States, and it is prophesied that there will be considerable in addition to this.

The 45,000,000 bushels already dispatched to Buffalo or other southern ports takes no count of the enormous shipments that have gone forward since December 3, up to which date the records were available. Five million bushels still can be placed aboard vessels now

lying in harbor, and before navigation closes Canada will have sent to United States ports through elevators here about 56,000,000 bushels of wheat.

WATCHING WASHINGTON.

Canadian farmers and grain exporters are closely watching Washington. The Montreal Gazette comments as follows on the intentions of Mr. HARDING, Representative STEENSON, and others:

"When the presidential election campaign was in progress in the United States and Republican speakers, Mr. HARDING included, were promising an upward revision of the customs tariff, one of the commodities mentioned specifically was wheat. That meant Canadian wheat. The Republican sweep which followed provides the opportunity for making good these promises, and there is no reason to believe that they will not be carried out. Competent judges of international trade conditions and movements in this country look for the imposition by the United States of a wheat duty amounting to 25 cents or thereabout. Their expectation is more than likely to be realized. Representative HALVOR STEENSON of Minnesota, Republican, has already prepared to put before Congress bills which will provide, among other things, for a duty of 30 cents per bushel on wheat and \$1.80 per barrel on flour."

MOVE MAY BE TOO LATE.

It is thought that any move at Washington will come too late for this year. Apparently Canada has been able to sell to the States on an even larger scale than this country sold to the allied Governments during the war. It is claimed in Toronto that there is nothing very unusual in the large shipments.

It was natural to suppose that, under existing circumstances, a considerable portion of it might be for sale to American dealers, but, on the other hand, it was to be remembered that in normal years two-thirds of Canada's export of wheat had been through United States ports. During the war this was not possible. Wheat shipped to Buffalo and other United States points, designed for export to Europe, might later be taken out of bond and sold to American buyers.

The VICE PRESIDENT (at 12 o'clock and 40 minutes p. m.). The morning business is closed.

ASSOCIATION OF PRODUCERS OF AGRICULTURAL PRODUCTS.

Mr. NELSON. I ask unanimous consent that the Senate proceed to the consideration of House bill 13931, a bill to authorize association of producers of agricultural products. It is the bill to which I referred briefly in my discussion of the joint resolution that we passed yesterday.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13931) to authorize association of producers of agricultural products, which had been reported from the Committee on the Judiciary, with amendments.

Mr. NELSON. I ask that the formal reading of the bill may be dispensed with, and that it may be read for amendment.

Mr. UNDERWOOD. Mr. President, will the Senator allow the bill to be read for the information of the Senate? Some of us are not familiar with it.

Mr. NELSON. Yes, sir.

The VICE PRESIDENT. The bill will be read.

The Assistant Secretary read the bill, as follows:

Be it enacted, etc., That persons engaged in the production of agricultural products as farmers, planters, ranchmen, dairymen, or fruit growers may act together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing in interstate and foreign commerce, such products of their members; and such producers may organize and operate such associations and make the necessary contracts and agreements to effect that purpose, any law to the contrary notwithstanding: *Provided, however,* That such associations are operated for the mutual benefit of the members thereof, as such producers, and conform to one or both of the following requirements:

First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein, or.

Second. That the association does not pay dividends on stock or membership capital in excess of 8 per cent per annum.

Sec. 2. That if the Secretary of Agriculture shall have reason to believe that any such association restrains trade or lessens competition to such an extent that the price of any agricultural product is unduly enhanced by reason thereof, he shall serve upon such association a complaint stating his charge in that respect, to which complaint shall be attached, or contained therein, a notice of hearing, specifying a day and place not less than 30 days after the service thereof, requiring the association to show cause why an order should not be made directing it to cease and desist from so restraining trade or lessening competition in such article. An association so complained of may at the time and place so fixed show cause why such order should not be entered. The evidence given on such a hearing shall be reduced to writing and made a part of the record therein. If upon such hearing the Secretary of Agriculture shall be of the opinion that such association restrains trade or lessens competition to such an extent that the price of any agricultural product is, or is about to become, unduly enhanced thereby, he shall issue and cause to be served upon the association an order reciting the facts found by him directing such association to cease and desist therefrom. If such association fails or neglects for 30 days to obey such order, the Secretary of Agriculture shall file in the district court in which such association has its principal place of business a certified copy of the order and of all the records in the proceeding, together with a petition asking that the order be enforced, and shall give notice to the Attorney General and to said association of such filing. Such district court shall thereupon have jurisdiction to affirm, set aside, or modify said order, and may make rules as to pleadings and proceedings to be had in considering such order.

The facts found by the Secretary of Agriculture and recited as set forth in said order shall be prima facie evidence of such facts, but either party may adduce additional evidence. The Department of Justice shall have charge of the enforcement of such order. After the

order is so filed in such district court and while pending for review the district court may issue a temporary writ of injunction forbidding such association from violating such order or any part thereof. The court may upon conclusion of its hearing enforce such order by a permanent injunction or other appropriate remedy. Service of such complaint and of all notices may be made upon such association by service upon any officer or agent thereof engaged in carrying on its business, and such service shall be binding upon such association, the officers, and members thereof: *Provided*, That nothing contained in this section shall apply to the organizations, or individual members thereof, described in section 6 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, known as the Clayton Act.

Mr. KING. Mr. President, I regret being absent from the Chamber when the Senator from Minnesota [Mr. NELSON] made his request for consideration of this bill. The measure is so important and so few Senators have had an opportunity to examine it that I should have requested the Senator to defer its consideration until to-morrow, and if he had declined to accede to such request I should have objected to its consideration at this time.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. KING. I yield.

Mr. NELSON. If the Senator had made an objection I should have followed my request with a motion to proceed to the consideration of the bill.

Mr. KING. The Senator, of course, could have made that motion, and I presume his motion would have prevailed, but I appeal to the Senator to let the discussion of this measure go over until to-morrow, merely for the purpose of permitting Senators an opportunity to acquaint themselves with its provisions and to obtain a clear perception of its purposes, and if enacted into law its consequences. I am not opposing the bill, because it may have such merits as to warrant its passage; but it is apparent from a casual examination of the bill that it modifies in a very material manner the Sherman antitrust law and seeks to prescribe a rule of conduct with reference to a large portion of our population, which is not to be applicable to other classes and portions of our citizenship. I have had time to examine, and that in a very hurried manner, only the House bill, and have not had the opportunity to examine the Senate bill. My understanding is that this bill seeks to legalize all forms of combination upon the part of agricultural producers—planters, ranchmen, dairymen, and fruit growers—for the purpose of enabling them to deal with their products in a collective manner and through the instrumentality of combinations and organizations. Not only that; it provides, as I interpret the measure, that they shall not only be permitted to combine for the purpose of marketing their products, but for the purpose of holding them for an indefinite period in order to secure higher prices, even though such action might constitute a monopoly or restrain trade or be destructive of competition.

Moreover, the bill provides that such associations may combine for the purpose of preparing their products for market, and also for the purpose of handling the same, and they may likewise "process" such products. The word "process," I presume, comprises all steps necessary to convert the raw materials into finished products. It would seem that a measure so important, which on its face relieves many of our population from the operation of existing law and legalizes what some might denominate as monopolies and combinations in restraint of trade, should receive the most serious consideration at the hands of this body. I am expressing no opinion as to the merits of this measure. Indeed, there is very much in the bill which appeals to my sympathetic consideration. It is a matter of common knowledge that combinations in restraint of trade and monopolies which have grown so powerful as to almost destroy competition have operated in our country for many years, notwithstanding the Sherman law, the Clayton Act, and the Federal trade law. It has been difficult to frame a law to meet our industrial and economic conditions and to curb profiteering and to prevent the formation of corporations which aimed at the destruction of competition and the maintenance of prices so high as to operate oppressively upon the people.

The farmers have been the victims of trusts and conspiracies to restrain trade and commerce. They, more than any other class, have suffered from unscientific, absurd, and repressive tariff measures which from time to time have been enacted by Congress. I have no hesitancy in saying that if combinations are to be permitted there is far greater reason why farmers should be permitted to organize for the handling of their products than any other class of producers. It is merely stating an axiom when I repeat that our prosperity rests upon agriculture. Jefferson, in his all-comprehensive political papers, pointed to the importance of agricultural development and evinced the utmost solicitude for the welfare of all who were engaged in agricultural pursuits. Important as manufacturing enterprises may

be, they are not so vital to the welfare of the Nation as agriculture. Of course, it would be a narrow and incorrect position to assume that there is not a most intimate relationship between agricultural interests and manufacturing interests.

Our agricultural products are greatly in excess of the needs of the agriculturists, who must find markets for their products, both domestic and foreign. It is important that a domestic market should be developed for agricultural products, and therefore we are keenly interested in the development of manufacturing enterprises as well as all other industries that contribute to the material advancement of our country. I am entirely in sympathy with the proposition that the classes referred to in this bill should have fair opportunity to associate in order to "market" their products. If there is to be any class legislation, my inclinations would irresistibly lead me to extend preferential legislation to the agriculturists. However, class legislation is open to serious objection. This bill seems to be subject to the criticism that it is class legislation and seeks to extend benefits and immunities from the provisions of existing law to one class only of our citizens. There may be justification for such legislation, and yet I think we should have full opportunity to consider this question, and, as I suggested at the outset, determine just how far this measure goes, and in its operations just what results would be realized.

Mr. McCUMBER. Will the Senator allow me a question?

Mr. KING. Yes; certainly.

Mr. McCUMBER. I ask the Senator if he thinks the action of the California Fruit Growers' Association, for instance, in advising the fruit growers to raise a kind of fruit which would be marketed at such a time as would not conflict with the fruit grown in Florida, would be guilty of an offense against the Sherman antitrust law; or if they advise, under the present situation, to withhold their products from market for better prices, or until the products have been sold in other sections of the country, would be a violation of any antitrust law?

Mr. KING. I think not.

Mr. McCUMBER. If that be true, then I can not see how this bill could in any way affect the question of the violation of the antitrust law.

Mr. KING. The Senator may place a different interpretation upon the bill before us than I do. The bill, as I construe it, goes further than the Senator's question would indicate. Certainly, there could be no impropriety in agriculturists doing the things pointed out in the Senator's inquiry. This measure, however, authorizes additional proceedings upon the part of the classes who are to secure its benefits; for instance, as I understand, the bill authorizes agriculturists to combine and to form corporations not only for the purpose of marketing their products, which are to enter into interstate and foreign commerce, but they may make contracts and agreements between themselves and between other corporations and combinations within the classes referred to, to "prepare" their products for market, and to "handle" them, and to "process" them. Under this authority it would seem that those forming the combinations and corporations and operating under agreements could withhold their products from market for an indefinite period. They could erect warehouses and store their products in order to force higher prices. They could form factories for the purpose of "processing" their products. They would be permitted to erect storehouses in which to keep their agricultural products, and warehouses within which to store the finished or "processed" products. These combinations or associations might take the form of monopolies, not only in production but in "processing," in handling, and in placing the product, raw or finished, upon the market. It would seem that the power of combination is unrestricted and subject only to the regulation, which is not very complete, of the Federal Trade Commission.

I suggest that under the first section of the bill the right seems to be given to such combinations and associations to fix prices for all products, whether raw or finished. There is nothing in the bill, it would seem, to prevent the classes referred to from erecting mills for the purpose of making flour and from withholding flour from the market for indefinite periods in order to enhance prices. I think it can be reasonably contended that this bill would authorize the manufacture of all sorts of products, from cereals to dehydrated and prepared and preserved fruits, as well as the productions of planters, ranchmen, and dairymen. The ranchmen produce meats. They would be permitted, it would seem, the right to build packing houses to care for their products, hold them in storage, fix prices, and form combinations that would be restrictive of trade and, possibly, destructive of competition. It seems obvious that the bill contemplates combinations and organizations to perform

many of the things to which I have just referred, and it is presumed that such combinations would engage in such transactions as might restrain trade or lessen competition.

Accordingly, the bill provides, as amended by the Senate committee, that the Federal Trade Commission may investigate conditions where they have reason to believe that such combinations and associations restrain trade or lessen competition to such an extent that the price of any agricultural product is unduly enhanced by reason thereof. After certain proceedings are had, if violations of the provisions of the act are found, an injunction may issue to restrain further restraint of trade or interference with competition. It may be argued that this bill, therefore, legalizes combinations by the classes mentioned in the bill, that such combinations so legalized may restrain trade and lessen competition; providing, however, that the restraint of trade or the lessening of competition shall not unduly enhance the price of the product, and that if notwithstanding there should be such restraint of trade and lessened or destroyed competition no criminal punishment would result.

Mr. McCUMBER. Mr. President—

Mr. KING. Just let me suggest to the Senator these questions: What is undue enhancement? What is a lessening of competition? How is the commission to determine these matters? Does not this involve the question of the determination of what are "reasonable profits," and does that not involve an examination of the capital invested, the questions of labor, and all cognate matters connected with the all-embracing question of production and distribution? I inquire, is there not danger in legalizing combinations in restraint of trade and organization to lessen or diminish competition? I further inquire whether this bill is not an attack upon our economic and industrial system? May it not be argued that this bill presages the entire repeal of the antitrust law, and the establishment of a huge bureaucracy under which all interstate business will be compelled to operate? If monopolies may be authorized and restraints of trade and the interruption of competitive forces be legalized by law, will it not be contended that a licensing system must logically follow; and, if a licensing system controlled by the Government is put into operation, will it not be earnestly insisted that all corporations engaged in interstate commerce must obtain Federal charters? Of course, it would follow, logically, that if Federal charters are to be granted to corporations the control of securities must be regulated by the General Government.

I venture to inquire whether or not this legislation may not pave the way for the Federal control of all lines of business interstate in character. Is that what is desired? Many have believed that there has been too much Government in private affairs and that the interests of the people would best be subserved if there were less paternalism and more individualism. This legislation is so important as to demand most serious consideration at our hands. We should consider the question as to the effect of class legislation. If ranchmen and dairymen are to be exempt from general statutes, and may form combinations, will not manufacturers and those engaged in mining and other enterprises claim like privileges? Will not legislation of this character lead to the complete overthrow of the Sherman antitrust law and all demands upon the part of the Government to prevent, through penal statutes, monopolies and conspiracies in restraint of trade and combinations to destroy competition?

Mr. McCUMBER. If the Senator will allow me, I do not like that section at all. I would have it out entirely, so that there would be no restraint whatever, because I think it is impossible for the agriculturists of the entire country, all of the food producers, so to combine as to prevent the sale of their products at a reasonable price. But the things which the Senator enumerated as things which might be contrary to the antitrust law are the very things which are being done and have been done for years by the California Fruit Growers' Association, and by certain dairy associations in the United States, and I have never known a time in which they have unduly enhanced the price of agricultural products.

Mr. KING. May I suggest to the Senator that I am advised a prosecution is now pending against the raisin combination which was formed in the State of California? I understand the facts to be, in brief, that the producers of grapes formed an association by means of which they control all of the grapes of California. They control the raisin crop, and they have advanced the price more than 300 per cent. They have a monopoly of the raisin industry, and so powerful is this monopoly that it fixes prices and holds the country, so far as raisins are concerned, in its grasp. Complaints have been made by the victimized public, and its activities have brought it under the eye of the Federal Government.

Mr. McCUMBER. I do not wish to take up the time of the Senator from Minnesota [Mr. NELSON], but I wanted to get a clear and explicit statement from the Senator as to whether he thought that an advice given by all the farmers' organizations that they hold their wheat until it reaches \$1.90 a bushel before they should sell would be against the Sherman antitrust law?

Mr. KING. I do not think so.

Mr. McCUMBER. If they obeyed it, it would not be contrary to the antitrust law.

Mr. KING. But let me ask the Senator whether, if what I have stated concerning the raisin organization should be literally true, he would justify its course?

Mr. McCUMBER. I think I would. I do not know the facts, but I know that for a number of years they did not even get living prices for their raisins, and if they should get good prices for a year or two I certainly should not object to it. I do not think that it is against the antitrust law if they attempt to raise the price to an extent that would cover some of the previous years' losses. But I do not know the facts in the case.

Mr. UNDERWOOD. Mr. President, I am not on the committee having this bill in charge, and I do not thoroughly understand the purpose of the bill. I would like to have some explanation of it before we vote on it.

I do not know, from reading the bill over, whether it is a bill intended to further restrain the agricultural interests of the country from making combinations, or whether it is an attempt to liberalize the provisions of existing law. As I understand it, under the interpretation of the Supreme Court of the United States, the so-called Sherman law only restrains combinations where they attempt, by the combination, to so enhance prices that it creates a monopoly. The mere question of the forming of an organization does not create a monopoly, but subsequent to their organization it is the action of that body, as interpreted by the rule of reason, which Chief Justice White applied in one of the trust cases.

I do not see anything in the provisions of this bill which does not continue to apply the rule of reason to these organizations. I may be wrong. I am not on the committee having the bill in charge, and the object of my statement is to try to get light. After providing for a hearing before the Secretary of Agriculture, as the bill provides, and before the Federal Trade Commission, as an amendment of the committee will provide, it says:

If upon such hearing the Federal Trade Commission shall be of the opinion that such association restrains trade or lessens competition to such an extent that the price of any agricultural product is, or is about to become, unduly enhanced thereby, it shall issue and cause to be served upon the association an order rectifying the facts found by it, directing such association to cease and desist therefrom.

Where the distinction is between that clause and the interpretation of the Supreme Court in the antitrust cases I do not see, because the antitrust law, under the decision of the Supreme Court of the United States, is bound down by the rule of reason, as Chief Justice White applied it in one of the leading cases, and it seems to me it was not the fact of a combination or an organization that was the important part in an antitrust case. It is a question as to whether the action of that combination is so much in restraint of trade that it has the effect of enhancing prices and is injurious.

Mr. STERLING. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from South Dakota?

Mr. UNDERWOOD. I yield.

Mr. STERLING. I merely wish to submit this question, Does not the Senator think that the rule of reason, as announced by Chief Justice White, is involved in the very language of the bill providing that the price of products shall not be unduly enhanced by reason of this arrangement?

Mr. UNDERWOOD. The Senator refers to the first clause of the bill, which provides that under this act the price of agricultural products shall not be unduly enhanced. If they are not unduly enhanced by the organization, I do not see, to save my life, where they are in violation of the Sherman antitrust law. Then to make sure that it does not affect that law, I see that the committee proposes this amendment as a substitute for a provision which is already in the bill:

Nothing herein contained shall be deemed to authorize the creation of, or attempt to create, a monopoly, or to exempt any association organized hereunder from any proceedings instituted under the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, on account of unfair methods of competition in commerce.

In other words, the so-called Clayton Act, which supplemented the Sherman Act,

Mr. NELSON. Will the Senator yield to me for a moment?
Mr. UNDERWOOD. Certainly.

Mr. NELSON. In addition to the antitrust law to which the Senator has referred, we passed the Federal Trade Commission law. That goes further in one respect and covers one point that the antitrust law does not cover. That point is what we call unfair methods of competition. The object of this provision is to preserve that part of the law which we passed creating the Federal Trade Commission. The rest of the bill is substantially in harmony with the decisions of the court in the antitrust cases. The only difference is that here in the first instance a hearing is had before the Secretary of Agriculture or the Trade Commission, as the case may be. They pass upon the question, but that may not settle it. If the parties affected decline to obey the decision of the Trade Commission or the Secretary of Agriculture, they can go into court. The district court has jurisdiction and its jurisdiction will be as great as it would if a complaint were made under the Sherman antitrust law.

Mr. UNDERWOOD. If the Senator will allow me, I am trying to get light on the question. I understand from the bill and from the Senator's statement that there is nothing in the bill which affects the position of these interests in reference to the Sherman antitrust law, that their position is practically identically the same whether the bill passes or not, but that the bill provides a new method of enforcing the law.

Mr. NELSON. Yes.

Mr. UNDERWOOD. That is all it does?

Mr. NELSON. To a large extent.

Mr. UNDERWOOD. If that is the case, I see no objection to it.

Mr. NELSON. If the Senator will allow me further, we have in two instances that I can recall excepted organizations from the effect of the Sherman antitrust law. In the so-called Clayton law we excepted the labor organizations and in the so-called Edge Act which we passed we gave immunity to the corporations that were to engage in foreign trade.

The object of the bill is to allow the various farmers' organizations throughout the country to operate freely, without being directly embarrassed by or having the Department of Justice hold up to them the Sherman antitrust law. Instead of giving them a free hand, as you might say, we provide in the second section that if they go to extremes, if they aim to enhance prices unduly or to create a monopoly, then the matter can be heard before the Secretary of Agriculture or the Federal Trade Commission, as the case may be, and after the Trade Commission or the Secretary has made a decision in the case it can be brought up in the district court of the United States and litigated.

Mr. TOWNSEND. How can it be brought into court?

Mr. NELSON. It can be brought by the association. If the association feel that they are aggrieved by the decision of the Secretary of Agriculture or the Trade Commission, they can bring the case into the district court. If the Secretary of Agriculture or the Trade Commission issues an order and states that they must desist from doing certain things that tend to create a monopoly, and they decline to obey the order, he or it goes into the district court to enforce the order. It is analogous to proceedings which we have under the interstate commerce law. If the railroads are dissatisfied with the action of the Interstate Commerce Commission, they can bring the matter into the district court and have it litigated.

Mr. UNDERWOOD. In other words, as I understand the provisions of the bill and the Senator's explanation, the bill does not materially change the principles involved in the Sherman antitrust law as interpreted by the Supreme Court of the United States, but does affect the method of enforcing the law.

Mr. NELSON. I think the Senator is correct. In its principles it does not change the antitrust law.

Mr. BORAH. Mr. President—

Mr. KING. Will the Senator from Minnesota permit an inquiry?

Mr. NELSON. The Senator from Alabama has the floor.

Mr. UNDERWOOD. I yield the floor. I merely rose for the purpose of getting information.

Mr. KING. I wish to ask the Senator from Minnesota [Mr. NELSON], if the Senator from Idaho [Mr. BORAH] will pardon me, if his last answer is quite accurate? It was, "In its principles it does not change the Sherman antitrust law." If this bill does not exempt the classes mentioned in the bill from the operations of the Sherman antitrust law, is there objection to including in the bill a reference to the Sherman antitrust law? I have just seen the proposed committee amendment, wherein it is stated that the Clayton law is not repealed. If the Sena-

tor's contention is correct, can there be objection to a further provision that the Sherman Act shall not be repealed?

Mr. NELSON. I do not think that is necessary, in view of the provisions of the bill in section 2.

Mr. KING. Then, the Senator thinks, if I understand him—and I am asking this question merely for the purpose of getting the Senator's point of view—that the Sherman antitrust law, in so far as it is operative, and I am not sure what remains in view of the decisions of the Supreme Court, will not affect organizations which the bill contemplates will be effectuated?

Mr. NELSON. Not unless the organization proceeds to create a monopoly or proceeds to unduly and unreasonably enhance prices. That is the rule laid down in section 2 of the bill. If the organization keeps within the pale of that rule, it is immune from prosecution under the antitrust law.

Mr. KING. Suppose this bill becomes a law and organizations were formed under it and there was a conspiracy in restraint of trade upon the part of some or all of them to monopolize a part of the trade or commerce among the several States. Does the Senator think that the Sherman antitrust law would be operative and would reach such organizations?

Mr. NELSON. I think so.

Mr. KING. And that the conspiracy might be punished?

Mr. NELSON. I have not any doubt about it.

Mr. KING. It seems to me that the Senator is in error and that no such construction of this measure is possible.

Mr. THOMAS. May I ask the Senator having charge of the bill whether he believes that under its provisions the cotton growers' association and the wheat growers' association and the dairymen's association and the fruit growers' association could combine?

Mr. NELSON. I did not catch the Senator's question.

Mr. THOMAS. I will try to state it in a different way. Assume that under the bill the wheat growers of Minnesota and the Northwest form an association; in the South there is a cotton growers' association, also formed under the law; in Colorado a fruit growers' association, and elsewhere a dairymen's association. Those are separate associations. Now, under the provisions of the bill, if we enact it into law, can those associations combine into one association?

Mr. NELSON. I do not think so. I do not think that would be a fair construction of the language.

Mr. BORAH. I did not understand the Senator's question.

Mr. THOMAS. The question was whether various associations could combine into one association.

Mr. NELSON. This is the question the Senator from Colorado propounds. There is an association of farmers in Minnesota in respect to the agricultural crops of Minnesota, wheat, we will say. There is an association in Georgia in respect to cotton. These are independent associations. The Senator's question, as I understand it, is whether these two associations, under the provisions of the bill, can combine.

Mr. THOMAS. Yes; could they combine into one huge association?

Mr. NELSON. No; I say they could not. The language of the bill does not warrant that.

Mr. THOMAS. I do not find anything in the language of the bill that prohibits it.

Mr. NELSON. I do not think any fair construction of the language of the bill would embrace it. The language is:

That persons engaged in the production of agricultural products as farmers, planters, ranchmen, dairymen, or fruit growers may act together in associations, corporate or otherwise.

They may act together, but when you go further and ask whether those associations can combine, I do not think that is within the scope of the bill.

Mr. THOMAS. I hope the Senator is correct; but, inasmuch as there are no prohibitive clauses, I am very much afraid that will be one consequence of it.

Mr. KELLOGG. Mr. President, will the Senator yield?

Mr. NELSON. Certainly.

Mr. KELLOGG. May I ask the Senator from Colorado [Mr. THOMAS] if those associations combine for the purpose of having a selling agent to place their products in Europe, would it be objectionable?

Mr. THOMAS. I do not know. That is another proposition. We passed a law during Democratic control of the Congress, as I remember, which suspends or sets aside the operation of all antitrust laws when it comes to associations engaged in international trade and foreign commerce. I have always had the idea that if those combinations were a menace and an injury to us as a Nation, they would be equally dangerous as an international agency.

Mr. KELLOGG. What objection could there be to combinations or associations of farmers for the purpose of having selling agents and better market facilities in the principal cities of the country?

Mr. THOMAS. The Senator is now assuming that I am opposed to the bill. I am asking the question which presents itself to my mind as one of the consequences possible that would bring the matter into disrepute in public opinion.

I will say, if the Senator from Minnesota will permit me for a moment—

Mr. NELSON. Certainly.

Mr. THOMAS. I have been greatly impressed with the usefulness and benefits of the fruit growers' associations in California. It has seemed to me their very success—and perhaps that is the principal reason why the Nonpartisan League has never been able to effectuate any sort of hold in the agricultural and horticultural sections of California—and, I think, the efficiency of the citrus growers' association, taking that as an example, is due to the fact that it acts independently of the raisin producers' association or of the olive growers' association, and so forth. That their distinctive energies, in other words, apply wholly and fully to one product is the secret of their great success. If they were to combine, as they could combine under a bill of this sort, I think they would cease to be popular on the one hand and I am inclined to think that their usefulness would be contracted upon the other.

I can understand how a wheat growers' association could officiate and function under any permissive law that would benefit the wheat market, but I am inclined to think that, in connection with that the southern cotton growers' association should form a combination with it, and then the fruit growers' association would come in, we would be face to face with an association control of agricultural products, and that then there would be a question of monopoly.

Mr. BORAH. I wish to interrupt the Senator.

Mr. THOMAS. I yield to the Senator from Idaho.

Mr. BORAH. I had always supposed there was no doubt that this bill was intended to modify the Sherman antitrust law as to associations of agricultural producers; in fact, that is the argument which has been made in favor of it, so far as the letters which I have received are concerned. If I am mistaken about that, then I have been misled. However, I want to ask the junior Senator from Minnesota [Mr. KELLOGG] a question. Suppose that associations of farmers—the individual associations referred to by the Senator from Colorado [Mr. THOMAS]—should do things which were in contravention of the Sherman antitrust law, could they be prosecuted under that law notwithstanding the fact that we should pass this bill? Would this bill protect them in any way? Does it give them any relief from the Sherman antitrust law?

Mr. KELLOGG. I think it does give them relief from the Sherman antitrust law.

Mr. THOMAS. I think, of course, that is what is intended; but since the decision of the Supreme Court of the United States which imported into the phraseology of the Sherman antitrust law a word which was expressly excluded from it prior to its passage, I have been unable to perceive that it has proven very efficient.

Mr. BORAH. I am rather inclined to agree with the Senator from Colorado. I am very much of the opinion that nobody need be taken from under the Sherman law, for everybody has already been taken out.

Mr. THOMAS. I have no objection to this bill, Mr. President, that I did not urge when the Clayton law was before this body for consideration. I thought then, as I think now, that if we are to have antitrust legislation it should be effective, or at least that it should be so drawn as to tend toward efficiency. I did not think then, and I have never thought since, that we could pass an act which is penal and possibly criminal in its character and expect it to succeed when we exempted two great classes of the American people from its operations. We did that, and this bill is along that same line. I do not see that it changes that situation at all.

We have under the present law a prohibition against everybody and everything except organized workmen and organized farmers. They are especially exempted from the operation of the law, and, so far as that law is concerned, they do as they please. We have gone along three, four, or five years under the operation of that law, with the result that we have just as many monopolies engaged in other pursuits as we had before, plus these privileged classes, who, independently of this measure, can, I think, if they see fit, effectuate their organizations and under that law reach the same result. We are here now concerned, however, in legislating to meet an emergency. As I have heretofore said, both the public and Congress are labor-

ing under a greater or lesser degree of hysteria, and we are therefore apt to do things which the judgment and the verdict of time will not thoroughly approve.

I have no doubt this measure will be followed by legislation placing embargoes upon Canadian wheat, Australian and South American wool, and a number of other products which are imported into this country. Of course, if we are going to embargo one or two of the imports which compete with something which is produced here, we can not very well deny the application of a similar prohibition upon other imports when those who feel that they are damaged by the volume which comes into this country ask for an embargo.

I can see in the immediate future when our Republican friends are in absolute power and pass a prohibitory protection law and then place an embargo upon all these imports, and when, in addition to that, the commercial treaties are revoked, as provided in the Jones navigation bill, that we shall become a nation of sellers; we shall promote our international commerce, and promote it very effectively and enlarge it enormously by insisting that we sell to all the world, but make it impossible for the world to sell anything to us.

Mr. STERLING. Mr. President, just a word or two. I can not quite agree with the theory that the purpose of this bill is to relieve the farmers, the fruit growers, the dairymen, and so forth, of the provisions of the Sherman antitrust law.

Mr. BORAH. Then, what is the object of the bill?

Mr. STERLING. The object is—and I was just about to state it—to make certain that the Sherman antitrust law does not cover associations formed by those engaged in such agricultural industries.

Mr. BORAH. That is exactly what I had supposed.

Mr. STERLING. Yes; to make it certain. There are the fruit growers of California, for example; does the Senator from Idaho believe that they would be liable under the provisions of the Sherman antitrust law and that the Supreme Court would so hold?

Mr. BORAH. Undoubtedly if they should do the things which are prohibited by the Sherman antitrust law they would be liable under it, but this measure takes them from under it; it gives them a status of their own, fixes a different method of proceeding, and absolutely deprives the court, in the first instance, of examining into the question of whether or not they have violated the law.

Mr. President, I did not suppose there was a particle of doubt about that proposition, and the letters which I received were all to the effect that the fruit growers, the farmers, and others could not do business under the Sherman antitrust law. Therefore they wanted it modified.

Mr. STERLING. But they have done business as it is and under the Sherman antitrust law, and there have been no prosecutions, so far as that is concerned.

Mr. BORAH. There have been prosecutions, and they sent me a list of the prosecutions as a reason why they wanted to get from under the law. There have been a number of prosecutions.

Mr. STERLING. That is news to me, I may say. I did not know of any great number of prosecutions; I did not know of any prosecutions, in fact.

Mr. BORAH. When I said "a number," I did not mean a hundred or two hundred, but there have been prosecutions which have disturbed the fruit growers and the farmers. They therefore say, "We want definitely to get from under the Sherman antitrust law."

Mr. STERLING. Mr. President, I should like to ask the Senator from Idaho if there have been any prosecutions of California fruit growers or if any prosecution is now pending or if one has gone to the Supreme Court?

Mr. BORAH. I think so. Of course, Mr. President, in the first place, this matter, if the Senator will permit me, came before the Senate years ago in the nature of an exemption in specific terms of farmers and laborers from the Sherman antitrust law. That has been followed up, and now it is proposed not to exempt them and leave no remedy at all, but to exempt them and provide another tribunal before which they can have their hearings. If this measure does not exempt them from the Sherman antitrust law, the farmers themselves are being fooled, because that is what they want. I have a number of letters, to which I have replied on this very proposition, and which say, "We are in a different position from the Steel Trust and in a different position from this and that industry; we should never have been under the Sherman antitrust law; it was never intended that we should be under the Sherman antitrust law. Now, we want definitely to take ourselves from under the Sherman antitrust law." That is what we are now proposing to do.

Mr. OVERMAN. Mr. President, have not labor and horticultural and agricultural societies been taken from under the terms of the Sherman antitrust law by the so-called Clayton Act?

Mr. BORAH. They think that that exemption is too indefinite. The Senator from South Dakota stated the question exactly as it should be stated, and that is that they want definite and certain information that the Sherman antitrust law does not operate as to them; that it shall not operate as to them. That is the precise position of the farmers, of the laborers, of the fruit growers, and of others interested in this question. I do not say that that is an argument against the bill, but I do say that that is the effect of the bill.

Mr. STERLING. Certainly. Mr. President, my theory was simply this, as I have stated, that the real purpose of this bill was to make it certain that such associations could not be prosecuted under the Sherman antitrust law. It has never yet been decided by the Supreme Court of the United States that they are acting in violation of the Sherman antitrust law, and my proposition is merely that this measure is in the spirit exactly of the Sherman antitrust law as interpreted by the Supreme Court of the United States. The following language:

To such an extent that the price of any agricultural product is unduly enhanced by reason thereof—

brings it exactly within the "rule of reason" first announced by the court. It is not a combination in restraint of trade under the Sherman antitrust law unless the result of the combination is to unduly enhance the price of the product or create a monopoly.

The last provision, being an amendment proposed to the bill by the Judiciary Committee, is as follows:

Nothing herein contained shall be deemed to authorize the creation of, or attempt to create, a monopoly, or to exempt any association organized hereunder from any proceedings instituted under the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, on account of unfair methods of competition in commerce.

I think that refers to the Clayton Act.

Mr. KING. Mr. President, will the Senator yield?

Mr. STERLING. I yield.

Mr. KING. If the Senator's statement is accurate, namely, that the bill which is now before us for consideration only brings agricultural associations within the rule announced by the Supreme Court of the United States, and that they may form combinations, and yet, under the interpretation of the Supreme Court of the United States, would not be subject to prosecution, what is the necessity of the bill at all? If there is any necessity, why not state that this act is for the purpose of requiring combinations upon the part of farmers to conform to the "rule of reason" as it has been applied by the Supreme Court of the United States?

Mr. STERLING. We were informed by the Senator from Idaho a while ago, Mr. President, I will say in answer to the Senator from Utah, that prosecutions had been instituted against several such associations; that they are in a state of doubt and uncertainty in regard to the right to form such associations, and hence the necessity of some law that will keep within the provisions of the Sherman antitrust law and yet give them the assurance that they can go ahead and form the associations.

Mr. KING. Will the Senator yield further?

Mr. STERLING. I yield.

Mr. KING. If the Supreme Court of the United States has announced a decision, it is obvious that that decision will prevail and govern the activities of the Department of Justice; and if the Supreme Court of the United States has decided, as the Senator says, that such organizations would not be subject to prosecution so long as they did not unreasonably restrain trade, why should they apprehend prosecution at the hands of the executive department of the Government? If they should be prosecuted, it is obvious, under the interpretation placed by the Senator upon the decision of the Supreme Court of the United States and upon the character of organizations contemplated by this bill, that they would come out of the court without any conviction. So what is the necessity of the legislation, if the Senator's contention is right?

Mr. STERLING. They may come out of the court without any conviction, but it may be a long while before the matter is decided.

Mr. GRONNA. Mr. President—

Mr. STERLING. I yield to the Senator from North Dakota.

Mr. GRONNA. Answering the question of the Senator from Utah, I want to say that a number of persons representing dairying associations have appeared before the Committee on Agriculture and Forestry. We were told that they wanted this proposed law for the reason that they desired to avoid

prosecution, when everybody should know that the members of the association were not violating the law. We were told that the dairymen's associations of Illinois and of Ohio and of Pennsylvania had been prosecuted. I do not say that they had been made to pay a fine or penalized, but they asked for legislation to make it absolutely sure that they would not be put to all this trouble and involved in all this litigation.

Mr. EDGE. Mr. President, may I ask the Senator a question?

Mr. STERLING. I yield for that purpose.

Mr. EDGE. Right in that line—I appreciate that it is somewhat out of order—suppose they were guilty of an infraction of the law, and, as interpreted by the amendment that has been added to the pending measure, that they had taken some action that would be a violation of the Clayton Act. Then does the Senator contend that they should not be prosecuted?

Mr. GRONNA. If they were guilty of any wrong, of course they should be prosecuted.

Mr. EDGE. How can that be ascertained without a legal inquiry?

Mr. GRONNA. Will the Senator from South Dakota permit me to answer the question?

Mr. STERLING. Certainly.

Mr. GRONNA. If the Senator from New Jersey is at all familiar with farming conditions, he must know that by the very nature of things it is not a possible thing for any agricultural association either to enhance prices unduly or to create a monopoly. It is almost an impossibility to do that. Now, why should not these associations be permitted to do business and to organize and cooperate when it is not possible for them to become a monopoly? I do not know of any such association that has ever been held by the courts either to enhance prices unduly or to be a monopoly in trade.

I have not had time to examine the bill thoroughly. I do not know that I would understand it if I did study it, but I hope that this Congress will pass some legislation definitely and positively authorizing farmers to associate themselves into organizations and thereby improve marketing conditions. It is a question which must be solved, and it ought to be solved quickly, because, as the Senator from Minnesota [Mr. NELSON] said yesterday, there is a great deal of unrest in the country, and if we pass the right sort of legislation it will do a great deal to eliminate the disturbance and the unrest which we are facing to-day.

I beg the pardon of the Senator for having interrupted him at such length.

Mr. STERLING. Just one word, Mr. President, partly in reply to the suggestion made by the Senator from New Jersey [Mr. EDGE] with reference to the legal procedure under the terms of this bill. It follows substantially the same kind of procedure that is followed under the law by the Federal Trade Commission in other respects. Opportunity for a hearing in court is given. A complaint may be made that such an association by its work is unduly enhancing the price of products in which it is interested, and hearing is had upon that complaint.

Mr. DILLINGHAM. Mr. President, may I ask the Senator a question?

Mr. STERLING. I yield to the Senator.

Mr. DILLINGHAM. I desire to call attention to the language in line 11, which follows shortly after the enacting clause:

That persons engaged in the production of agricultural products as farmers, planters, ranchmen, dairymen, or fruit growers may act together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing in interstate and foreign commerce such products of their members; and such producers may organize and operate such associations and make the necessary contracts and agreements to effect that purpose, any law to the contrary notwithstanding.

I ask the Senator if he would be willing to have those words "any law to the contrary notwithstanding" stricken out; and if not, why not?

Mr. STERLING. I think not, Mr. President.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him?

Mr. STERLING. I yield.

Mr. NELSON. I wish to call the attention of the Senator from Vermont to the amendment suggested in the last paragraph.

Mr. DILLINGHAM. Oh, I am perfectly aware of that amendment; but why is it necessary to have the clause I have mentioned in the bill, unless this is in direct contravention of the antitrust laws of the United States?

Mr. NELSON. It is not in direct contravention of the anti-trust laws of the United States, and this amendment makes it perfectly clear:

Nothing herein contained shall be deemed to authorize the creation of, or attempt to create, a monopoly, or to exempt any association organized hereunder from any proceedings instituted under the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, on account of unfair methods of competition in commerce.

Mr. DILLINGHAM. That being so, then why is it necessary to have in the bill "any law to the contrary notwithstanding"? Why not strike it out?

Mr. SMITH of Georgia. Mr. President, will the Senator allow me an interruption?

Mr. STERLING. I yield.

Mr. SMITH of Georgia. If these organizations are subject now to the Sherman Antitrust Act, I, for one, want to say that they shall not be in the future. I am not at all frightened by that suggestion.

I do not want them subject to it. I want them given this privilege. I want them given this right and the consciousness of the fact that their proceeding is legal until this investigation is had and until some judge of the United States rules under the terms of this act that their conduct is improper. I do not know just what the Sherman Antitrust Act does, myself; and I do not know just what the decisions on that subject mean; and I supported this measure in the Judiciary Committee because I wanted to see these organizations freed from attack anywhere. I think them important and valuable; I think it is right that they should exist; and I am glad to take them out from under the Sherman antitrust law if they would be under it to-day.

Mr. STERLING. Mr. President, I just want to say, in answer to the Senator from Vermont [Mr. DILLINGHAM], that I think those words are put there out of abundance of caution, and I think they are rightly there. We do not want this state of things to exist, namely, that the mere forming of an association of this kind shall be deemed a violation of the Sherman antitrust law; and yet in certain quarters that interpretation will be put upon the law, and the object is to say to those who would put such an interpretation upon it that any law to the contrary notwithstanding, this, the bill we are now considering, shall be the law, and these associations may be formed without violating any law.

Mr. DILLINGHAM. Will the Senator let me say that I believe thoroughly in the organization of farmers for the purpose of marketing their goods? I would be the last man in the world to object to any legal or legitimate process which they might adopt for that purpose; but I opposed this bill in committee because I thought it was a direct attempt on their part to avoid the consequences of the Sherman antitrust law, and I did not believe that they wanted that, and the farmers whose attention I have called to it have told me that they do not want it. I have in my correspondence a letter—I have not got it where I can produce it now—from a gentleman in California who tells me that he is the head of 20 farmers' organizations and that the farmers do not ask to be relieved from the operation of the Sherman antitrust law; that I was right in my contention regarding that matter. Now, if that is not the purpose I should like to see the words "any law to the contrary notwithstanding" stricken out. Then we would know what the bill means.

Mr. EDGE. Mr. President, I absolutely approve of the frankness of the Senator from Georgia [Mr. SMITH]. I do not, however, approve his viewpoint.

This bill can not be for any purpose in the world, as the Senator from Minnesota [Mr. KELLOGG] infers, unless it is for the purpose of making clearer the exemption of the farmers from antitrust legislation. Personally, I think it is a mistake, a wrong policy and a wrong principle, to exempt from the provisions of trust legislation any class of citizens. I do not care whether they are farmers or whether they are manufacturers or whether they are bankers or what their vocation may be. The Sherman Act, in my judgment, is properly subject to considerable criticism. If we are going to continue making exemptions, making certain citizens immune as we have already done, or rather enlarge upon them, I think it far better to repeal the Sherman Act or Clayton Act or whatever the various amendments to it may be termed. The principle of class legislation, class distinction, in my judgment is a principle that can lead to nothing in the world but confusion, and it is contrary to the very Constitution under which we live.

Mr. NELSON. Mr. President, the Senator applied that very principle in the bill that is known as the Edge bill.

Mr. EDGE. I am going to refer to that, and I am very glad the Senator reminded me of it in case I possibly should have

forgotten it. I recall that the Senator from Minnesota, in his early remarks on this measure, referred to the so-called Edge bill—I am entirely ready to assume any responsibility that that title may imply,—as containing an exemption from the provisions of the Clayton Act. I must say, with due deference to the Senator's experience and greater knowledge than I have of legislative matters, that the so-called Edge bill specifically provided that every action under it should be in every way subject to the provisions of the Clayton Act. That amendment was adopted by the Senate without division, and the so-called Edge Act in no way contravenes any provision of the Sherman law or the Clayton Act.

Mr. NELSON. It contravenes the Trade Commission law.

Mr. EDGE. If the Senator means by that the so-called Webb-Pomeroy Act, which was enacted before I had the honor of being a Member of this body, which provided for certain combinations to do business abroad, followed by the act we are now discussing, which permitted the financing of those combinations abroad, that is correct; but that, as I understand, is entirely in regard to activities on the other side of the water, and not within the confines of the United States.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. EDGE. I yield.

Mr. LENROOT. The Senator admits, does he not, that that act does exempt those associations from the operations of the Sherman law as distinguished from the Clayton Act?

Mr. EDGE. When in operation abroad.

Mr. LENROOT. For export business.

Mr. EDGE. Yes; quite so. That policy was established by Congress several years ago, but is confined to foreign business.

Mr. President, I think the time has arrived when we should not exempt any classes from those acts which are supposed to control monopolies, or control activity in making prices, or anything of that character. I have been serving on a committee with the Senator from New York [Mr. CALDER] and the Senator from Iowa [Mr. KENYON] and some others which has led us into some investigation of the coal situation of the country. I have been one of those on the floor of the Senate who have frankly opposed from principle governmental administration or governmental ownership of private business. I have not in any way changed my view; but in investigating the coal situation we discovered, as all of us practically know from our own personal experiences, that the price of coal at retail as compared with the actual admitted price of coal as mined at the mines at a profit is so outrageously out of all proportion—hard coal being sold a month or two later in the large cities of the country at from \$17 to \$20 a ton—that I reached the conclusion that the Government inherently being responsible for the protection of its people, outside of any other responsibility, it was our duty, if that is not corrected by means now in existence, to go to any extreme that is possible under the Constitution to endeavor to settle a situation of that character.

I am merely mentioning that, somewhat apart from the general argument I am making, to try to demonstrate that I am in no way narrow upon the subject of governmental intervention. There are times when it may be necessary and should be invoked when situations such as that are uncovered. But to suddenly take out of general legislation one class and directly or indirectly invite them to make combinations, and then practically to provide how they are not subject to the same prosecutions as other men in business in other lines of industry, in my judgment simply encourages a condition in the country which is not for the best interests of the country. No citizen of the country should be immune from prosecution under the law, and I think a bill of this character, which, it has been admitted by some Senators, is for the sole purpose of making it clear that they are exempted, should not receive the support of this body.

I have no argument at all with those Senators who believe that agricultural associations should be outside of the purview of the act. They have a perfect right to that contention, as frankly expressed by the Senator from Georgia. Personally I think it is the wrong policy, and, of course, having that view, have expressed it from that standpoint.

We have associations of agriculturists in New Jersey and I believe they can serve a useful purpose, as the association of every other class of industry in the country can; the association of druggists, the association of retail merchants, the association of wholesale merchants, and other associations, for mutual interest and mutual aid in the development of their activities. But this aims to go a step further and say that this particular class of citizens can not even be prosecuted unless in some unknown way we can prove in advance that they have formed a monopoly. It is impossible to tell whether they are forming a monopoly unless you have them haled before the courts in order

to find out just what has been their activities. If they are innocent, they have nothing to fear; some of them may not be so innocent as inferred, and in fixing prices may be forming monopolies covered by the law; and why should not the courts have an opportunity to pass upon that without exemption, which seems to me makes it almost impossible to bring them before a court of justice?

Mr. SIMMONS. Mr. President, I do not think there is any question about the contention of the Senator from Vermont [Mr. DILLINGHAM] that the addition of the language "any law to the contrary notwithstanding" would have the effect of exempting these associations from criminal prosecution under the antitrust laws. I think it would undoubtedly have that effect, and it is an effect I do not object to it having. But while this provision would exempt these associations from criminal prosecution, another section of the bill would subject them to administrative and judicial investigation, and if it should be disclosed that their practical operations produced results violative of the purpose and the object of the Sherman antitrust law, they would be liable to suspension or dissolution.

The organization of associations for the purposes designated in the first section of the bill would in itself probably constitute an agreement in restraint of trade and render these associations liable to prosecution under the Sherman Antitrust Act; but under the interpretation of that act by the court they would not be liable to its punitive provisions unless it were shown that their operations actually resulted in unduly advancing prices or restricting trade under the rule of reason laid down by the courts.

While this bill would relieve these associations from criminal prosecution, it safeguards the public against the very evils the antitrust laws are intended to prevent and suppress, and it provides in specific terms, if their operations eventuate in unreasonably enhancing prices to the injury of the public, that they shall be investigated and restrained. So that while the bill would provide for a technical exemption in their favor, it carefully safeguards the interests of the people by providing a means by which, if they do the evil at which the antitrust laws are aimed, they may be put out of business.

Mr. President, in this connection I want to make some general observations with reference to the antitrust law. I do not think it can be truly said that the criminal prosecutions we have had under that law have been at all satisfactory and effective. Under the construction of the Supreme Court, applying the rule of reason, the convictions are so difficult, and prosecutions have been infrequent, in part at least, for that reason, and as a result there has been but little relief from the evils of monopoly from that source.

Notwithstanding our antitrust laws, the country was honeycombed with trusts before the war. Nearly every big industry in the country, outside of agriculture, was conducted through corporated organization, and many of them were operating in flagrant violation of our antitrust laws. There were a few prosecutions, a few civil suits, a few criminal prosecutions, the court ordered a few of these illegal combinations dissolved, but permitted them to be reorganized under conditions which in some instances allowed them to function illegally more effectively than before they were dissolved.

When the war came and the conditions which resulted encouraged the multiplication of these combinations until practically all of the industrial activities of the country except agriculture is to-day in corporate combinations, and I fear a dangerously large number of them are monopolistic.

I can not see that the Sherman antitrust law is effectively protecting the public against the evils at which it was aimed. I am not advocating the repeal of that law, but I say that if the principles of limitation in profits, wisely and equitably fixed, and administrative investigation and judicial review involved in this bill were applied to the great corporations of the country, it might prove more effective in protecting the public against trust evils than the present antitrust laws have proven in actual results produced in its application to past and present conditions.

Mr. KELLOGG. Mr. President, I just want to say to the Senator that I introduced a bill to apply that same principle to all corporations.

Mr. SIMMONS. I am glad to hear that. I will be pleased to examine and study its provisions.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (S. 3944) to create a Federal live-stock commission, to define its powers and duties, and to

stimulate the production, sale, and distribution of live stock and live-stock products, and for other purposes.

Mr. GRONNA. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. KING. I object.

Mr. SIMMONS. Mr. President, I was interrupted in my line of thought. I only want to say that I believe that the measure will afford the farmers of the country, in the present and in any future conditions that may exist, very great relief. I think it will be very beneficial to them. I think the benefits that will accrue to the farmers by reason of the organization of associations for the purpose of marketing their products in an orderly way and in a safe way will not only be beneficial to the farmers, but I think that benefit will be reflected in all branches of business.

ATMOSPHERIC NITROGEN.

Mr. SMITH of South Carolina. I wish to take this occasion to serve notice on the Senate that when the unfinished business has been disposed of I shall try to get before the Senate the bill (S. 3390) to provide further for the national defense; to establish a self-sustaining Federal agency for the manufacture, production, and development of the products of atmospheric nitrogen for military, experimental, and other purposes; to provide research laboratories and experimental plants for the development of fixed-nitrogen production, and for other purposes.

I merely wish to say in this connection that the bill carries no appropriation, and in this emergency it is of vital importance to the agricultural interests of the country. All that is needed to complete the plan is the sale of the excess of that product now on hand which this plan, if completed, will supplement. I hope that the bill can be acted upon before the Senate takes a holiday recess.

GOVERNMENT OFFICES IN THE DISTRICT OF COLUMBIA.

Mr. SMOOT. Mr. President, I am going to take this opportunity to present to the Senate the report of the Public Buildings Commission:

"REPORT OF THE PUBLIC BUILDINGS COMMISSION."

"The Public Buildings Commission believes that a report of its activities since its creation will be of interest to Congress at this time.

"The legislative act approved March 1, 1919, provides that the 'Commission shall have the absolute control of and the allotment of all space in the several public buildings owned or buildings leased by the United States in the District of Columbia,' with certain exceptions. The commission is composed of seven members—two Senators, two Members of the House of Representatives, the Superintendent of the Capitol Building and Grounds, the officer in charge of public buildings and grounds, and the Supervising Architect or the Acting Supervising Architect of the Treasury. Ten thousand dollars was appropriated for the expenses of the commission.

"The work of the commission has been conducted with the following objects primarily in view:

"First. To save the Government as much money as possible in rental charges, by moving activities from rented to Government-owned space wherever feasible.

"Second. To settle office-space disputes among the departments. (The commission is glad to say these have been few in number.)

"Third. To provide, so far as circumstances would permit, suitable and adequate space for each department of the Government.

"Immediately upon its organization the commission undertook and completed a very comprehensive survey of all office space occupied by the Government in this city, both rented and Government-owned. This survey gave such information as the name and location of each building occupied by the Government, gross space occupied, the number of employees housed therein, space used for files, space used by employees, average number of square feet per employee, and other data of like nature, which enabled the commission to get a very clear view of the situation in each building. Taking 60 square feet per employee as a basis, it was not difficult to single out the overcrowded buildings and those which were too sparsely occupied. Illustrating the haphazard manner in which these buildings were being used, it might be added that the commission found one building so crowded that each employee was occupying an average of only 11 square feet. Other buildings ran as high as 200 square feet per employee.

"The survey showed the necessity for a number of moves and readjustments of space and these were immediately ordered by the commission. The result was the release of a consider-

able number of rented buildings and a more even distribution of the space in Government-owned buildings.

"A comparison of the rentals paid by the various departments on June 1, 1919, when the commission completed its first survey and the present, will no doubt be of interest:

Department.	Annual rentals June 1, 1919.	Annual rentals Dec. 1, 1920.
Agriculture.....	\$190,910.00	\$143,360.00
Alien Property Custodian.....	31,200.00	31,200.00
Board of Mediation and Conciliation.....	2,460.00	2,460.00
Bureau of Efficiency.....		
Civil Service Commission.....	16,875.00	16,875.00
Commerce.....	66,900.00	65,500.00
Council of National Defense.....		
Court of Claims.....		
Employees' Compensation Commission.....	3,600.00	
Federal Board for Vocational Education.....	6,400.00	
Federal Trade Commission.....	12,600.00	
Grain Corporation (Food Administration).....		
Interdepartmental Social Hygiene Board.....		
Interior.....	23,000.00	
International Boundary Commission.....	2,040.00	2,688.00
International Joint Commission.....	1,724.40	3,000.00
Interstate Commerce Commission.....	72,058.04	87,058.04
Justice.....	36,000.00	36,000.00
Labor.....	58,363.60	24,000.00
National Advisory Committee for Aeronautics.....		
Navy.....	1,224.00	
Panama Canal Office.....	7,500.00	7,500.00
Post Office.....		
Public Buildings and Grounds.....		
Railroad Administration.....	86,985.00	(1)
Shipping Board.....	210,105.56	86,279.40
State.....	5,000.00	
Superintendent State, War, and Navy Buildings.....		
Tariff Commission.....	11,000.00	10,200.00
Treasury.....	174,839.00	159,106.08
War.....	81,867.08	25,425.00
Zone Finance Office.....	18,550.00	14,333.28
Zone Supply Office.....	11,389.00	11,380.00
Total.....	1,134,581.68	733,364.80

¹ Rentals for buildings occupied by the Railroad Administration are now being paid by funds derived from the operation of the railroads.

"The difference between these two totals shows a saving in rental charges to the Government of \$401,216.88, to which should be added the \$86,279.40 rental now being paid by the Shipping Board, making a total saving of \$487,496.28. The reason for adding this amount to the total is that arrangements have been made for the entire personnel of the Shipping Board to occupy the Navy Building, and as soon as the necessary details can be worked out the move will be made.

"THE TEMPORARY BUILDINGS.

"There are now in this city 15 temporary nonfireproof buildings which were built by the Government during the war. This does not include the Navy Building, the Munitions Building, and Building E, at Sixth and B Streets, which are temporary but fireproof. It has been against the policy of the commission to place permanent departments of the Government in these inflammable structures whenever it could be avoided. It has in a few instances, however, been unavoidable. This reluctance on the part of the commission to place permanent activities in these buildings will account for the fact that in some of them are to be found considerable areas of unused space. This is particularly true of units A and B, at Sixth and B Streets. Some might argue that departments of the Government occupying rented space should be moved immediately into this unoccupied space. Take the Department of Labor for example. It is occupying a splendid building at Seventeenth and G Streets, rented it is true, but at the very reasonable figure of 28 cents per square foot. Would it be the part of wisdom to direct this department to vacate the building and move into one of those inflammable structures when they have a very distinct bargain in their rental charges? Other examples of a similar nature are: The Civil Service Commission, paying 35 cents per square foot; the Department of Commerce, 35 cents per square foot; the Interstate Commerce Commission, 36 cents per square foot; the Department of Justice, 32 cents per square foot; and the Panama Canal office, 37 cents per square foot. The commission believes that in cases like these, where the departments are adequately housed at a very reasonable figure, they should continue to occupy their present quarters until they can be provided for in permanent Government-owned structures. It will be necessary to raze two of the temporary buildings during the coming year, as the owners of the ground upon which they are located decline to renew the lease. They are the Corcoran Courts Building, on New York Avenue, near Seventeenth Street, and the Council of National Defense Building, at Eighteenth and D Streets. The commission has already provided space else-

where for the occupants of these buildings and their demolition will cause no inconvenience to the service.

"With reference to the remaining temporary buildings, the commission believes they also should be razed at the earliest practicable date, or as soon as their retention is no longer a matter of necessity. They were built to last only a very short time, and as the years go by the expense of maintaining them will continue to mount.

"EXPENDITURES.

"As stated in another part of this report, an appropriation of \$10,000 was placed at the disposal of the commission. Of this amount there still remained to the credit of the commission on September 30 last, when the last report was made to the auditor, an unexpended balance of \$5,502.58. Thus the commission has expended during the first 19 months of its existence the sum of \$4,497.42. The following statement will show how the funds have been spent:

Personal services (including salary of the secretary).....	\$3,837.12
Printing.....	130.75
Car tickets.....	40.63
Office supplies.....	227.05
Automobile repairs.....	252.05
Telephone.....	9.82
Total.....	4,497.42

During the reading of the report,

Mr. SMITH of South Carolina. Mr. President—

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Utah yield to the Senator from South Carolina?

Mr. SMOOT. Certainly.

Mr. SMITH of South Carolina. The figures given are from June 1 up to December 1?

Mr. SMOOT. June 1 and December 1.

Mr. SMITH of South Carolina. Has the Senator figured how it would be if it should run up to June 1 next?

Mr. SMOOT. Oh, no. It is on an annual basis, so that it makes no difference. These are the rents paid annually on June 1, 1919, and the rents paid annually on December 1, 1920, showing a saving of \$401,216.88.

Mr. SMITH of South Carolina. Does the report compare the same lengths of time?

Mr. SMOOT. Yes. In other words, we have taken Government activities out of rented buildings in the District of Columbia and placed them in Government-owned buildings, and thereby saved to the Government \$401,216.88. I will say to the Senator that that saving will continue from now on.

Mr. McKELLAR. Mr. President, may I make a suggestion right there? I had occasion recently to be down near Sixth and B Streets, where I found one building that had, I think, three floors, all empty. I stepped it off, and the building was a little over 300 feet one way and over 450 feet the other way, fully equipped with every convenience and capable, as it seemed to me, of taking care of a tremendous lot of employees. It would be a splendid place, much better than some of these rented places, and I was wondering why that was empty while the Government was paying rent elsewhere.

That rather made me look into it a little further, and I took the time to go into several other buildings. I found vast amounts of unoccupied space. That particular building is Building B. I went over into Building F. They had some boxes in some of them. I asked what they were going to do with it, and they said they thought they would make a warehouse out of it. The heating apparatus alone in these buildings is very expensive. They are most excellent offices for many of the departments of the Government that are winding up the war affairs of the Government, and it seems to me that we might well utilize these buildings as offices, and cut down the great amount of rent that we are paying.

I just wanted to call the attention of the Senator to this. I know how he feels about it. He has been very active in this matter and has done splendid work in looking it up and cutting down these rentals, and I wished to give him the benefit of my experience and observation.

Mr. SMOOT. Perhaps, Mr. President, so long as the reading of the report has been broken in upon, I might as well answer the inquiry of the Senator at this time, although I should like to have the report printed in the Record consecutively, so that anyone who desires to examine it may do so without going through all of the remarks of Senators.

Mr. McKELLAR. Let the report be printed in full, and the colloquy come in at the end.

Mr. SMOOT. I desire to say to the Senator from Tennessee that the commission is well aware of the situation as to Building B at Sixth Street and Pennsylvania Avenue. Those buildings are all temporary; they are very poorly built; the founda-

tions were not constructed to last over four or five years; they are not fireproof; and we desire to remove them just as quickly as it is possible to do so. We have been using them for storage purposes, but that is extremely dangerous. I should hesitate to order Government papers into them.

Another thing, if Building B, being the center one, ever should catch on fire, all of the adjacent property would be destroyed. We wish to demolish Building B just as quickly as it may possibly be done. There would then be a break between those buildings, which, perhaps, would enable us to control a fire, if one should occur, in one of the other buildings; but with that building standing there it would be an impossibility to do so.

We have to-day in those buildings some records which are most valuable, which could not be replaced, and we have not any storage space into which they can be moved. In fact, I might add here that the commission has under consideration a building plan which we are going to recommend to Congress just as soon as we can get it perfected.

The first thing that the Government of the United States needs in the way of buildings is a structure for storage purposes, where it can store its papers, which are of incalculable value, in a fireproof building. If we had such a building there is hardly a department of the Government to-day which could not use for employees space which is now occupied for storage purposes. When the time comes that we shall have such storage space into which we may move the files and papers of the Government into a storage building which will be fireproof and centrally located, then it will not become necessary to erect buildings for the accommodation of employees in the District of Columbia for a long time to come.

I wish to say to the Senator that we know that the building to which he refers is practically empty, and we do not desire to put any more people into it; but just as soon as the few employees of the Navy Department who are now there are removed we are going to tear the building down.

Mr. McKELLAR. It does seem to me, however, that, considering the possibility of fire, it is just as dangerous for the building to be empty as for it to be occupied.

Another thought also occurred to me. The buildings which are being rented by the Government are in most instances not fireproof, and the Government papers which are in such rented buildings are just as subject to fire as they would be in the other buildings. My experience is that the temporary buildings located in the section referred to are rather better and more suitable for governmental purposes than are the buildings which are being rented, some of the latter being old residences.

I think the Senator's suggestion about having a fireproof warehouse is an excellent one, and that we ought to have such a structure and that the papers of the Government ought to be preserved; but until we get such a building I see no use of the Government tearing down buildings that are so admirably adapted for office buildings of the kind which are needed and paying out rent for buildings which belong to private parties and which are not fireproof.

Mr. SMOOT. Mr. President, perhaps I can explain the matter in this way: For buildings for the Interstate Commerce Commission we are paying in rent \$87,000, in round figures, a year, and for buildings for the Treasury Department we are paying \$150,000 in rent. The Treasury Department is occupying space in the Hooe Building, the Bond Building, and the Southern Railroad Building. Those buildings are fireproof, and it would be perfectly wicked on the part of the commission to order the Treasury Department and the Interstate Commerce Commission into Building B. We could not think of ordering them into that building with the papers which they have. The rents paid for the buildings they occupy constitute the greater part of the rent which we are paying. I would not take the responsibility of ordering either of those agencies into Building B upon any consideration.

Mr. McKELLAR. But the Senator from Utah will recall that the Treasury Department now is occupying a building down there, which I understand is temporary in its nature, for its Internal Revenue Bureau, and I think that bureau has custody of papers almost as important as those of any other agency of the Government.

Mr. SMOOT. The Senator, if he will make examination, will find that the papers of that bureau are stored in other places. I will say to the Senator that we are now anticipating moving the Treasury Department out of one of those buildings and saving \$40,000 a year, but we have got to make further preparation before we can do that.

Another thing in connection with retaining Building B, I will say to the Senator, is that it costs \$200,000 for upkeep and expense of maintaining the building. I told the building cus-

todian of the Treasury Department not to make an estimate for that \$200,000 this year, because we were going to demolish Building B, and we shall save at least \$200,000 the coming fiscal year for repairs and maintenance of the building.

Not only that, but the Architect of the Treasury Department notified me the other day that the authorities would not be responsible for the foundations of Building B if we put into it any number of Government employees longer than this year, because the foundations were constructed with no idea of its being preserved for a longer period of time.

I do not know whether the Senator from Tennessee went into Building E, which is not included in the 15 temporary nonfireproof buildings referred to in the report.

Mr. McKELLAR. I stumbled down there merely by accident, knowing that we were paying out somewhere between a half a million and a million dollars for rent for city property which was not fireproof and probably not as well equipped for the Government's purposes as the temporary buildings. So I walked through not only Building B but through Building F, which is in much the same condition. There are a few employees in Building F, as I recall, on the west side.

Mr. SMOOT. Some of these buildings of which I speak are temporary, but they are also fireproof.

We were compelled to pay during the war as high as \$1.87 a square foot for space rented, but we have a contract for the building occupied by the Department of Labor under which the rental paid is 28 cents per square foot.

At the conclusion of the reading of the report,

Mr. SMOOT. Mr. President, that is the conclusion of the commission's report to the Senate. As I stated a moment ago when interrupted, the commission has under consideration to-day a plan for building in the future the structures needed by the Government in the District of Columbia. The time has arrived now when there should be some kind of a plan or policy adopted, and just as soon as a survey has been made and the program is agreed to by the commission, we expect to come to Congress with it. We are going to ask Congress what they think about it, and, if they approve it, I am quite sure that in the very near future the Government of the United States will not be paying one cent for rent in the District of Columbia. That is the aim of the commission. From the report it will be noticed that, with an expenditure of less than \$5,000, the commission has saved in rents in the District alone nearly \$500,000. And within the next three months I am quite sure that there will be added to that figure over \$100,000 more.

The PRESIDING OFFICER (Mr. FLETCHER in the chair). Does the Senator ask that any action be taken on this report, or simply that it be ordered printed?

Mr. SMOOT. All I desire is to have it in the Record as presented by me.

Mr. McKELLAR. The report will be printed in full in the Record?

Mr. SMOOT. Oh, yes.

Mr. McKELLAR. Mr. President, I want to say a word about this report. I think it is a very excellent report, and I think the Senator's commission is entitled to thanks for the good work it has done.

As the Senator from Utah stated a few moments ago, I feel that there is more work that could be done along this line, because I think we are paying too much rent. I also indorse the idea that the Government should own its own buildings. I believe that an immense saving could be had to the Government as a result of constructing and owning its buildings. Of course, whether the present time is a favorable one for erecting buildings, in view of the high price of materials, I do not know; perhaps not.

Mr. SMOOT. No; it is not.

Mr. McKELLAR. But in the early future, as soon as it can be done, public buildings should be constructed for the various departments, and they should be placed in locations that will be for the convenience not only of the departments themselves but of the legislative branch of the Government.

MEAT-PACKING INDUSTRY—FEDERAL LIVE-STOCK COMMISSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3944) to create a Federal live-stock commission, to define its powers and duties, and to stimulate the production, sale, and distribution of live stock and live-stock products, and for other purposes.

Mr. KENYON. Mr. President, I should like to inquire as to the record on this bill, whether or not the formal reading has been dispensed with? If not, I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment.

The PRESIDING OFFICER (Mr. FLETCHER in the chair). Is there objection to the request of the Senator from Iowa? If not, it will be so ordered.

Mr. WADSWORTH. Mr. President, do I understand that the Senator intends to offer the amendments, or has he already done so and had them printed in italics in the copy of the bill?

Mr. KENYON. The amendments were offered several days ago and adopted, and have been printed in italics.

Mr. WADSWORTH. They have been printed?

Mr. KENYON. I think there were one or two minor amendments that were not, through an oversight.

Mr. SMOOT. Mr. President, does the Senator say they have been adopted by the Senate? I do not think they were adopted.

Mr. KENYON. Oh, the amendments were adopted; yes. They were presented and adopted, and they have been printed in italics.

Mr. STERLING. Has the bill been printed showing the amendments?

Mr. KENYON. The amendments are printed in italics in the bill. There was another amendment with reference to striking out section 5.

Mr. WADSWORTH. Mr. President, I had not expected to discuss this bill this afternoon with any degree of thoroughness; but during the speech of the Senator from Iowa [Mr. KENYON] the other day he was good enough to let me ask him one or two questions about the procedure by which the persons under the jurisdiction of the proposed live-stock commission might have a hearing and appeal from the decisions of the commission. The bill has been reprinted with the amendments that were adopted the other day, and that makes the pages run a little differently from the way they were in the old print. In just a moment I think I can find the part to which I refer. I called the attention of the Senator from Iowa to this language, and as I did so I admitted very freely that I had had very little experience in matters of this sort.

At the top of page 19 of the new print we find this language:

No such order of the commission shall be modified or set aside by the circuit court of appeals unless it is shown by the packer or operator that the order is unsupported by evidence.

As I recollect a colloquy which ensued, the Senator from Iowa [Mr. KENYON] and a moment later the Senator from Montana [Mr. WALSH] gave me to understand that that was the usual language employed in a statute of this kind which grants power to a commission to make rules and regulations, and then proceeds to give an opportunity for those against whom the rules or regulations are issued to appeal; and I recollect quite well, I think, asking the Senator from Montana if the language used in the Federal Trade Commission act was similar to this and would have the same effect as this, and I was assured that it was. At least, that is my recollection of the reply.

I find, however, Mr. President, that the exact opposite is the case, and that this language constitutes, if I can read English and understand it, a complete reversal of the usual procedure in cases of this kind.

Mr. KING. Mr. President, the Senator is discussing the packer bill, as I understand?

Mr. WADSWORTH. Yes—not at any length, I may say. There is one point I want to clear up.

Mr. KING. I think it is so important that I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Heflin	McNary	Spencer
Borah	Kellogg	Moses	Sterling
Calder	Kendrick	Norris	Sutherland
Capper	Kenyon	Oberman	Thomas
Dial	Keyes	Page	Townsend
Dillingham	King	Philips	Trammell
Edge	Kirby	Poinexter	Underwood
Fall	Knox	Pomerene	Wadsworth
Fernald	La Follett	Sheppard	Walsh, Mass.
Fletcher	Lenroot	Smith, Ariz.	Warren
France	Lodge	Smith, Md.	Watson
Gore	McCumber	Smith, S. C.	
Harris	McKellar	Smoot	

Mr. KING. I desire to announce that the junior Senator from Idaho [Mr. NUGENT] and the senior Senator from Nevada [Mr. PITTMAN] are detained on account of service in the Committee on Territories.

The PRESIDING OFFICER. Fifty Senators have answered to their names, and a quorum is present.

Mr. WADSWORTH. Mr. President, referring again to the language used in the proposed act, near the top of page 19, let me read it again:

No such order of the commission shall be modified or set aside by the circuit court of appeals unless it is shown by the packer or operator that the order is unsupported by evidence—

And so forth.

I find upon examination, Mr. President, since the colloquy which occurred the other day, that the language of the Federal Trade Commission act, which was referred to in that colloquy, is quite different and proceeds, I believe, upon an entirely different principle. Section 5 of that act reads as follows:

Upon such filing of the application—

That is, for a hearing—

and transcript the court shall cause notice thereof to be served upon such person, partnership, or corporation, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree affirming, modifying, or setting aside the order of the commission. The findings of the commission as to the facts, if supported by testimony, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commission, the court may order such additional evidence to be taken before the commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper.

I submit, Mr. President, that this procedure which I have just read is entirely different from the one proposed in the bill; for under this bill, whenever the commission has reached a finding, the person affected may appeal to the circuit court of appeals. No opportunity is given at that point for the submission of new testimony or any requirement imposed upon the representatives of the commission to present conclusive testimony in support of their findings. The entire burden is thrown upon the defendant to prove that the findings of the commission are unsupported by evidence, thus throwing the burden of proof upon him. The Federal Trade Commission act does not do this. I doubt if any other act granting powers to Federal commissions or departments or bureaus proceeds upon the theory contained in this bill, and I think it is an exceedingly important departure, and a very unwise departure, from accepted practice.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nebraska?

Mr. WADSWORTH. I yield.

Mr. NORRIS. I do not remember now what the laws in the other cases referred to provide for, but is it not fair to assume that the object here sought is that, as far as the facts are concerned, the commission acts like a jury, and the law seeks to avoid a new trial on the same facts; that, as far as the facts are concerned, it makes the findings of the commission, if based on evidence, final, the same as an appellate court would say in passing on the verdict of a jury?

Mr. WADSWORTH. Mr. President, that might be acceptable if that were the whole story; but this proposed live-stock commission is to issue regulations governing devices and practices in commerce, which will have the effect and force of law, a power far greater than that given to the Federal Trade Commission. The Federal Trade Commission, under its powers, presents evidence of alleged facts to the court, and the court decides whether that evidence supports the contention of the commission that a law set forth in the act itself has been violated. This pending bill equips the commission with power to issue binding regulations, setting forth in detail what is unlawful as a device or a practice in business. It then proceeds to try the man or concern alleged to have violated its regulations. It tries the man for violating the law which it has legislated into existence. Then, when the man appeals to the circuit court of appeals, this bill puts the entire burden of proof upon him to show that the commission did not have the evidence to back up the findings with respect to its own regulations. That is quite a proposition in a free country.

Mr. STERLING. Mr. President, may I ask the Senator from New York if the language of the bill does not even go further?

Mr. WADSWORTH. It does further on. I would be glad to have a lawyer point it out, because I have been disturbed about this.

Mr. STERLING. The burden of proof is on the packer or operator. The bill provides that—

No such order of the commission shall be modified or set aside by the circuit court of appeals unless it is shown by the packer or operator that the order is unsupported by evidence.

Is not the burden of proof on him not only to show that it is against the weight of the evidence but that there is no evidence whatever, not even a scintilla of evidence, in support of the order? It is broad, general language "unsupported by evidence"; that is, by any evidence whatsoever.

Mr. NORRIS. Is not that the same as the verdict of a jury in an appellate court?

Mr. STERLING. No. There may be some evidence to support the verdict of a jury, but we may say the weight of the evidence is the other way and it is contrary to the preponderance of the evidence. You put the burden of proof on the packer to show that there is no evidence whatever, not a scintilla of evidence, Mr. President.

Mr. KENYON. Mr. President, I do not want to break in on the argument of the Senator, because I have argued it heretofore and I am interested in hearing the Senator's views. But the Senator from South Dakota [Mr. STERLING] is familiar with the decisions of the Supreme Court as to the holdings of the Interstate Commerce Commission, where they hold exactly that if there is any evidence to support the commission's holding, it is sufficient.

By the Federal Trade Commission act the findings of the commission as to the facts, if supported by testimony, shall be conclusive. I am not going to break into the argument of the Senator from New York, because I am anxious to hear him.

Mr. WADSWORTH. Mr. President, my contention has been that this is a reversal of the usual practice and constitutes a very profound change, and it is of more significance and more importance in this situation, because this bill gives to a Federal agency, a commission, power to legislate. The Federal Trade Commission act does not give the Federal Trade Commission any power to legislate.

Mr. KENYON. Mr. President, I do not want to keep interrupting, but, of course, if it gives the commission the power to legislate, to make law, then it is unconstitutional. That is a bone of contention, I understand. We say it does not delegate legislative power, but merely administrative power. If it does delegate the power to make law, it is unconstitutional.

Mr. WADSWORTH. It delegates to the commission the power to issue regulations which shall have the effect of law, and a man can be haled into court by the commission for violating them.

Mr. KENYON. The Supreme Court has time and again said, and very recently, that the delegation of administrative power to make rules and regulations is not a delegation of power to legislate or to make law.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator yield to the Senator from Utah?

Mr. WADSWORTH. I yield.

Mr. KING. The action of the Supreme Court, however, as I understand the Senator, validates those regulations, gives them the force of penal statutes, so that any infraction of those orders would constitute a penal offense.

Mr. KENYON. What I had in mind was the decision of the Supreme Court, the clearest one, I think, in the Grimaud case, in 220 United States.

Mr. KING. There is another case, the Utah case.

Mr. KENYON. The Clarke case, I expect the Senator refers to. In the Grimaud case the Secretary of Agriculture was given certain power under the meat-inspection act. He made his rules and regulations, and a violation of them was made a criminal offense. That is sustained by the Supreme Court as not being a delegation of legislative power. We have not done that here. We have not made the violation of these rules and regulations a criminal offense. It goes on through the review by the court, and after the court shall have sustained the rules and regulations, then subsequent violations can be dealt with.

Mr. KING. If the Senator will pardon me, the effect is to make the orders of this commission statutes, and to give them the effect of statutes.

Mr. KENYON. No; not at all.

Mr. KING. In the ultimate result they have the same effect as if they were statutes.

Mr. KENYON. Not any more than the finding of the Secretary of Agriculture in the Grimaud case. If you consider that making them statutes, it is practically the same thing. Of course, the line of demarcation between administrative power and legislative power is sometimes pretty indefinite; it is pretty hard to distinguish. We all know that. We have tried to formulate this provision on the theory that it is merely an administrative power, not a legislative power. But I apprehend that it is a fair subject for discussion.

Mr. KING. The point I wanted to make, if the Senator from New York will pardon me, was that under this bill the regulations and orders promulgated by the commission in the last analysis would have the same effect as if they had been enacted by Congress into law, because their infraction, after the court's scrutiny, would constitute a penal offense, and a violator of those orders would be subject to fine and imprisonment, or both, as the court might determine.

Mr. WATSON. I would like to ask the Senator from Iowa a question.

Mr. WADSWORTH. I yield.

Mr. WATSON. Did I understand the Senator from Iowa to say that the bill, in the respect which we are now discussing, follows the provision of the interstate commerce act?

Mr. KENYON. No; I did not say that. I said the Supreme Court had held, without the interstate commerce act so providing, that if the order of the Interstate Commerce Commission had any evidence to support it, it was sufficient. The Supreme Court itself has laid down that rule. But the Federal Trade Commission act does provide that it will be conclusive if supported by evidence.

Mr. STERLING. Could the Senator from Iowa refer us to the decision? I would like to see the exact language of the Supreme Court in that connection. I do not now recall it.

Mr. KENYON. I will call the Senator's attention to it. I think if the Senator from South Dakota will look near the end of the talk I made the other day, which was perhaps a little too extended, he will find the decisions cited. I attempted to cite them.

Mr. STERLING. I thank the Senator.

Mr. WADSWORTH. Undoubtedly other statutes, clothing departments and commissions with power, have moved in this direction; that is, in the direction of the delegation of legislative power. Some have been successful and some have not. I think that tendency in modern legislation is one which should give us some concern, and just because we have gone a little way in a previous statute is no reason why we should in haste decide to go very much further in a succeeding statute.

I call attention to page 12 of the bill to illustrate the power to legislate under this proposed law. Section 14 reads:

No operator shall engage in any unfair or unjustly discriminatory practice or device in commerce.

There is in another part of the bill the power, of course, given to the commission to prescribe rules and regulations for the carrying out of the provisions of the act. Therefore the commission can issue regulations stating what practices are discriminatory, and those regulations are to apply to a vast industry in all its ramifications, complicated to as high a degree as any other industry in which human beings are engaged.

Then section 14 proceeds, in line 8:

Or charge, collect, receive, or demand any unreasonable charge or rate for any service in commerce performed in connection with the business of such operator.

I may say that the term "operator," as used in the bill, really means the stockyards or concerns operating or owning stockyards.

Now, if the commission is to be clothed with the power to say what is an unreasonable rate or charge to make in all the dozens and dozens of stockyards all over the United States in the handling of literally millions of cattle, sheep, swine, horses, mules, and goats, it in effect will have the right to state what is a maximum reasonable charge or rate, and therefore it will fix prices. That certainly is legislative authority which will have its effect upon an enormous industry, upon the handling of millions of meat-producing animals, affecting hundreds and hundreds of thousands of producers.

If any stockyards, great or small, no matter who owns them, whether they be handling cattle, sheep, and hogs, or whether they may be merely a horse auction establishment in a city, for that will come under the term operator as defined in the bill, shall charge any greater rate than the rate fixed as reasonable by this agency of the Federal Government, or if it is alleged that they have charged any other rate the commission will hale them before it and try them for violating the law which it had proclaimed.

Mr. KENYON. The Senator refers to operations in commerce and says "any horse market in a city." It would have to be something that engaged in commerce.

Mr. WADSWORTH. Surely the exchange of articles is commerce.

Mr. KENYON. Interstate commerce.

Mr. WADSWORTH. The bill does not say that.

Mr. KENYON. Oh, yes.

Mr. NORRIS. Commerce is defined in the bill.

Mr. WADSWORTH. Very well, interstate commerce. If a horse happens to come from outside of the District of Columbia and is sold at a public auction place in the District of Columbia, it is in interstate commerce, I suppose. If it is alleged that the man asked too high a rate or imposed too high a charge for the services rendered by the operator, such as the hay or the grain fed to the animal while he is in the yards, he is to be haled before the commission and tried by the commission which issued the regulation, having the effect of a price-fixing law.

If the decision of the commission is against the defendant—we will call him—and the defendant may apply to the circuit court of appeals, and when he gets before the circuit court of appeals he finds that under the terms of the bill he is compelled to show that there is no evidence against him. I think that is going pretty far. He is compelled to prove that the finding of the commission is unsupported by evidence, that there is not any evidence.

I have not read the Statutes of the United States, and I very much regret to say that I am not a lawyer, but I would like to have some one point out to me where that particular phrase has ever been used in a statute of the United States in a situation similar to this. I was assured the other day that it was used in the Federal Trade Commission act, but I find that it is not.

After all, Mr. President, the citizens have some rights in this country, and the man charged with violation of the law is supposed, until finally convicted, to stand upon an equality with the power that is attempting to prove that he is violating it. He should not be overburdened and handicapped at the very start of the procedure and forced to prove more than his accusers are forced to prove. It is in violation, as I look upon it, of all the principles of justice known in America, unless I am fearfully mistaken. If I am, I would be glad to have it pointed out. I would willingly confess my error.

Now, Mr. President, again upon this line, to illustrate, if I may, how vastly important is that language on page 19, let us look at an earlier section of the bill and see its ramifications and how far the regulations of the commission may extend in making the doing of certain things or a vast number of things unlawful, and then putting the burden of proof upon the defendant to show that he has not committed a violation. I refer to these things to illustrate the spirit behind the bill. The part I am going to refer to now may not have direct application to the part I have just discussed, but it does illustrate the vast tyranny that is to be set up here.

On page 6, line 15, in section 6, we find this language:

It—

Referring to the commission—

shall investigate and ascertain the demand for, the supply, consumption, costs, and prices of, and all other facts relating to, the ownership, production, transportation, manufacture, storage, handling, or distribution of live stock or live-stock products, including operations in and the ownership of stockyards.

I call attention of the Senate that that means that the commission shall investigate—it is mandatory upon it, and, of course, it will rejoice at the opportunity—not only the operation of packers and of stockyards and their transportation facilities but the production of live stock.

It means that agents of the commission, under the terms of the bill, are commanded to visit the farms and the ranches all over the United States, or to a sufficient degree in order to satisfy the spirit of the bill, to inquire of the owners of farms and ranches as to the cost of producing live stock, of feeding it, of raising it, of caring for it in every way, and all the different elements of the live-stock business. That of itself would not seem such a tremendous thing to suggest unless we are concerned about the immense cost of the undertaking. That might not seem to be important until we reach section 7, the next section, which reads:

The commission shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all books, papers, records, and correspondence relating to any matter under investigation.

There is your commission empowered to summon a farmer from his farm, to order him to produce all his records, all his accounts, and display all the workings of his business. They can summon him across the country on a subpoena. They can go anywhere, take anybody engaged in the production of live stock or feeding of live stock who has had any experience whatsoever in estimating the cost of the live-stock business, and if he fails to answer the subpoena the bill proceeds to provide penalties to be imposed upon him. The commission is authorized, as I pointed out before, to prescribe the rules and regulations under which all this is to be done.

Mr. President, I think there has never been anything like that suggested before in this country. We are accustomed, of course, to take very severe jurisdiction over public utility corporations and, to a certain extent, pretty severe jurisdiction over concerns engaged in interstate commerce; but I see nothing here restricting the application of this power to persons engaged in interstate commerce. Indeed, I see the long, strong arm of this commission reaching everywhere. It can summon the Senator from Wyoming [Mr. KENDRICK] and put him on the stand in Chicago and compel him to produce all his books, papers, and accounts. It can summon the Senator from Iowa

[Mr. KENYON], if he were engaged in the live-stock business, to the city of Buffalo or Chicago, and compel him to tell the commission and the public the capitalization, the investment values, the costs of everything he owns that is used in any degree, remote or direct, in the live-stock industry.

Mr. KENDRICK. Mr. President—

The PRESIDING OFFICER (Mr. DIAL in the chair). Does the Senator from New York yield to the Senator from Wyoming?

Mr. WADSWORTH. I yield.

Mr. KENDRICK. I would like to ask the Senator from New York if he does not believe that the producers of both live stock and farm products would like to have some information go out to the country at this time as to the actual cost of production?

Mr. WADSWORTH. Of course they would. I am not inveighing against the dissemination of information, but I do think it is about time when we lifted our hand against the attempt of the Government to compel a private citizen to disclose everything he knows about his own business, and to penalize him under proceedings adjudging him in contempt of court if he declines.

Mr. KENDRICK. May I ask the Senator if other commissions have not been given this power in almost the same language, and without any material evidence of abusing the power?

Mr. WADSWORTH. I do not know what other commissions have power like this. You can summon, of course, the managers and officers of a railway, relying upon the power of Congress under the interstate-commerce clause to regulate the railways and compel them, of course—I assume we can, though I have not read the statute—to tell all about the management of the railways, and under certain provisions of the Federal Trade Commission act men concerned in enterprises in interstate commerce may be summoned; but I have never heard it suggested that a private citizen, living anywhere in the United States, upon the farms and ranches, and regardless of whether he is engaged in interstate commerce or not, can be summoned with all his books and papers and punished if he does not tell everything he knows about his own business.

Mr. SMOOT. And I may add, if the Senator will permit, that the Interstate Commerce Commission, as well as every commission that has been organized, has to act under the law, but the commission proposed here is to act under rules and regulations and orders that they themselves may make.

Mr. WADSWORTH. Under their own law.

Mr. SMOOT. And the citizen upon the farm or any other place in the United States does not know anything about what those orders, rules, and regulations may be. They are not the law. It is the most unheard of piece of legislation in the world.

Mr. WADSWORTH. Let me continue the reading. I think I have not made a mistake in the meaning of this proposed act. Let me again read section 7:

SEC. 7. The commission shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all books, papers, records, and correspondence relating to any matter under investigation. Any member of the commission may sign subpoenas, and members and examiners of the commission may administer oaths and affirmations, examine witnesses, and receive evidence.

Such attendance of witnesses and the production of such books, papers, records, and correspondence may be required from any place in the United States at any designated place of hearing. In case of disobedience to a subpoena the commission may invoke the aid of any district court of the United States within the jurisdiction of which such inquiry is carried on to require the attendance and testimony of witnesses and the production of such books, papers, records, and correspondence.

Such court may, in case of contumacy or refusal to obey a subpoena issued to any person, issue an order requiring such person to appear before the commission, or to produce books, papers, records, and correspondence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

And "the matter in question," as the phrase goes, on line 21, includes all those matters that are recited in section 6. Every sheepman, every cattleman, every hog raiser, every man dealing in horses will be subject to this power to be summoned from his home to the place where the inquiry is being carried on, not confining it to the district in which the man lives, but to the district where the inquiry is being carried on. So men can be whipped back and forth across the continent at the behest of this commission, over which there is no control whatsoever, for they are authorized under the proposed act to make their own rules and regulations.

Mr. KENDRICK. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from South Carolina?

Mr. WADSWORTH. I yield.

Mr. KENDRICK. The Senator from New York is a practical stock grower, and I ask if he does not believe that this

provision of the proposed law is necessary because of the long distances which these shipments traverse in going to market? It might be quite possible that a shipment of stock from the northwest coast of this country would find a market in Chicago, or even in the Senator's own State of New York. It would be necessary under such conditions to summon witnesses from long distances. It would not be very economical, in other words, to hold the meetings of the commission where the shipments originated, but it would be very much more economical to have the investigation, in case there were any complaints, at the destination of the shipment or in the vicinity of the stockyards. I ask if the Senator does not believe that such a provision, authorizing meetings to be held at any place which may be necessary, is essential to the proper working of such a measure as that now pending?

Mr. WADSWORTH. Mr. President, of course witnesses must be summoned considerable distances and should be summoned considerable distances when their testimony is required to prove the truth or falsity of a charge of violation of law, but the bill unfortunately goes beyond that. The proposed commission is commanded under the terms of the bill to investigate, regardless of charges of fraud, deception, or discriminatory practices, the question of the production of live stock and its costs, and to summon witnesses, with their books and papers, to testify in any matter under investigation. The provision goes beyond the code of civil and criminal procedure in the power to summon witnesses. They may be summoned at the whim of a commission which may want to ascertain how much it takes to produce and mature a 4-year-old steer, and if they are sufficiently curious about that, they may summon anybody who has ever had a 4-year-old steer, whether engaged in interstate commerce or not, and compel him to testify, and if he declines to come he is in contempt of court.

Now, I submit to the Senator from Wyoming, who I know is a lover of freedom, that the placing in the hands of the Federal Government or any of its agents a power of that dimension constitutes a pretty dangerous thing.

Mr. KENDRICK. Well, Mr. President, the Senator from New York understands very well that these investigations are to be made on complaint.

Mr. WADSWORTH. The bill does not say so. That is the trouble. It says nothing of the kind. The language on line 15, page 6, reads:

It shall investigate and ascertain the demand for, the supply, consumption, costs, and prices of, and all other facts relating to, the ownership, production, transportation, manufacture, storage, handling, or distribution of live stock or live-stock products.

The commission can summon anybody from the farmer to the retail butcher anywhere at any time for any purpose and make him disclose everything about his business.

Mr. KENYON. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Iowa?

Mr. WADSWORTH. I yield.

Mr. KENYON. They can summon anyone, but, of course, they can not compel anyone to come unless the court says so. An order must be made and then the subpoena is issued under it. If the man refused to come the commission would then be compelled to go to court.

Mr. WADSWORTH. The commission issues the subpoena.

Mr. KENYON. Of course, the commission issues the subpoena, but if the man does not come the commission is compelled to go to court. Does the Senator suppose the court would require a witness to come under such circumstances as he has narrated?

Mr. WADSWORTH. If the commission could persuade the court that it wanted and needed the information which that man could give them about his business, it is to be presumed that the court, looking at this act, would reach the conclusion that Congress in passing it meant to give power to the commission to subpoena all these people.

Mr. KENYON. Yes; if it were necessary for the purposes of the investigation. Of course that is a matter for the court.

Mr. WADSWORTH. It would be very easy to show that it is necessary for the purposes of the investigation. The commission could do that easily enough.

Mr. KING. If the Senator from New York will pardon me, I venture to suggest that the court would regard the application of the commission as more than a prima facie case, as almost conclusive, and the burden of proof would rest upon somebody else to show that it was not necessary. I think that the court would be compelled under this language to issue the subpoena upon the application of the commission, unless it could be shown that there was some fraud upon the part of the commission or that they were guilty of some intrigue or were trying to perpetrate some wrong.

Mr. KENYON. If there were a wrongful invasion of the rights of the party which amounted to a wrongful search and seizure, or anything of that character, the court would not grant a subpoena. The Senator from New York knows that.

Mr. KING. I do not suppose that it would be considered a wrong in the sense of a moral wrong or an invasion of personal rights to drag a man across the continent; and yet, after all, as the Senator from New York has said, it is a wrong in many instances.

Mr. LENROOT. Mr. President, will the Senator yield to me? The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Wisconsin?

Mr. WADSWORTH. Yes.

Mr. LENROOT. I should like to ask the Senator from New York whether he is not aware that this language is taken from the interstate commerce act, which contains identically the same provision? It is also found in the railroad-control act which we passed at the last session. The railroad labor board is given identically the same power and in the same language.

Mr. WADSWORTH. Is not that applicable only to persons engaged in interstate commerce?

Mr. WATSON. That refers to transactions in interstate commerce.

Mr. LENROOT. No; in the case of the railroad labor board it is as to the wages of employees of the railroads, which is not a matter of interstate commerce at all.

Mr. WADSWORTH. Under the regulating powers assumed by Congress, under the interstate commerce clause, Congress has taken jurisdiction over the wages, at least indirectly. I can not see how that principle would apply to this situation, for there is nothing about interstate commerce here.

Mr. LENROOT. It all relates to interstate commerce.

Mr. KENYON. The Senator does not mean to claim that interstate commerce is not involved. Section 6, the part to which he refers, relates to "live stock or live-stock products, including operations on and the ownership of stockyards." When the business of live stock and live-stock production and stockyard operations are considered, they are all interstate commerce. It is only about such matters that the commission can inquire. The bill does not apply to anything not based on that consideration.

Mr. WADSWORTH. I turn to the term "live stock," which, as defined on page 2, simply means "live or dead cattle, sheep, swine, horses, mules, or goats." I do not see anything about live stock in interstate commerce there.

Mr. LENROOT. Mr. President, the Senator may not have been in the Chamber the other evening when I inquired of the Senator from Iowa as to the construction of section 2, and suggested that as the language now is it does not in all cases confine the operations of the bill to interstate commerce. The Senator from Iowa said if it did not it was so intended, and that an amendment should be made so as to confine it to transactions in interstate commerce.

Mr. WADSWORTH. Of course, if such amendments were perfected and adopted it would make a vast difference in this bill.

Mr. KENYON. I think the bill, on close analysis, will be found only to relate to interstate commerce. The definition of live stock does not say interstate commerce, but connecting it with the method in which it is used as to stockyards, as to the packers, and as to the operators it is clear from all of the other definitions combined that there is nothing intended but interstate commerce and that nothing else can be intended.

Mr. WADSWORTH. Let me turn to the definition of stockyards. The definition is as follows:

The term "stockyard" means any place, establishment, or facility maintained and conducted at or in connection with a public market and consisting of pens or other inclosures and their appurtenances in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for purchase, sale, shipment, or slaughter in commerce.

Mr. KENYON. We added the amendment incorporating the words "or slaughter in commerce" to make certain about that.

Mr. WADSWORTH. Then is it suggested that section 6 be also amended?

Mr. KENYON. Section 6, if the Senator will look at the words on lines 19 and 20, reads:

Or live-stock products, including operations on and the ownership of stockyards.

Mr. WADSWORTH. That is merely expansive; it is not restrictive.

Mr. KENYON. If the other does not cover it, it should, of course, do so. It is not the intention of anybody to give the proposed commission power to go beyond the domain of interstate commerce, because the entire bill is founded on that theory and it is the only theory upon which it could be founded.

Mr. WADSWORTH. It is a very remarkable bill, as written, to be founded on that theory.

Mr. KENYON. I do not doubt the Senator thinks it is remarkable.

Mr. WADSWORTH. Mr. President, again referring to the spirit of this act, let me call attention to title 5, on page 21.

Section 25, commencing in line 6, reads as follows:

The commission may, upon application by any individual, partnership, corporation, or municipality, issue to such applicant a certificate of registration to engage in or carry on, under this act, the business, whether in interstate or foreign commerce, or both, of conducting or operating stockyards, or slaughtering live stock, or processing, preserving, or storing live-stock products or perishable foodstuffs—

With certain provisos that follow. This is known as the voluntary registration portion of the bill, or the voluntary licensing portion of the bill.

The authors of the bill have studiously refrained from going to the length of imposing a compulsory governmental license upon the concerns engaged in this tremendous industry; so, rather than put in a compulsory license provision, this voluntary license provision is put in. Now, we would have this situation: Here we have a national live-stock commission offering to register any concern which applies for registration and which complies with certain provisions of title 5. It is a grave question in my mind how many concerns in the United States who are engaged in any element of the live-stock business would dare refrain very long from taking out a license. If one concern should do it, it would immediately make that a part of its advertising. It would spread far and wide the knowledge of the fact that it was registered officially under the wing of the Federal Government. It would display that fact on its letter heads, in all its business communications. It would relate that fact upon the labels upon the goods it produced and distributed and sold, "Registered under the national live-stock commission act; approved," or whatever other form of statement was authorized by the rules and regulations of this commission.

Let us take the case of a small concern, we will say, situated in one of our smaller cities. There is a pretty well-known concern in the central part of New York State whose goods have a good deal of fame around the country. It is not at all impossible for other people to go into the same business, and if other people form a concern to go into the same business in that neighborhood or anywhere in the vicinity, and before doing so apply for registration, and say in advance that they would comply with the provisions of the act under title 5, if they apply and get the license they would immediately be in competition with the concern that did not have it. How long would the concern that did not have it last, with the Government of the United States certifying to the one, and by inference in the public mind not certifying to the other?

Mr. President, I think any sensible business man knows that once the Government opens the door by statute to governmental registration and approval, the great majority of business concerns in the United States will be forced to seek registration and approval, the competition will be so keen without it. I have not much faith in this thing operating as a voluntary license scheme. I think it will turn out in the long run to be compulsory in fact.

I do not think many Senators are in favor of the compulsory licensing of business. We have had some of that in the last three or four years, and it has not worked very well; but, assuming that concerns do go into this voluntary registration, let us see something about the powers of the commission.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Utah?

Mr. WADSWORTH. I do.

Mr. KING. May I inquire of the Senator, for information, whether or not it was the purpose of the committee reporting this bill to give any preferential rights to the registrants under the bill? And if not, what was the purpose of authorizing a voluntary registration?

Mr. WADSWORTH. The explanation that was given here the other day, a very brief one, by the Senator from Nebraska [Mr. NORRIS], who, I am sorry to say, is absent—or perhaps it was the Senator from Iowa [Mr. KENYON]; I think it was—was that title 5 would tend to encourage municipal slaughterhouses or municipal markets.

Mr. KENYON. Mr. President, I do not know that the Senator refers to me. I think I did say that it would encourage public markets, an experiment in trying to establish a system of public markets, to get rid of the long lane between producer and consumer.

Mr. WADSWORTH. Of course, it goes infinitely further than public markets. It takes in everybody that has anything to do with preserving, storing, or processing meat food or live-stock

products. The understanding that I acquired in the committee was that title 5 originated from somewhere outside the committee, and that it was expected to do certain things, but unfortunately it is not drawn that way at all.

Let me call attention to the duties imposed upon the registrants on page 22.

The first is:

To provide and maintain or secure, when necessary and practicable, adequate railroad connections with its place of business.

The second is:

To furnish the services and facilities of its business on fair and reasonable terms and without unjust discrimination to persons applying for such service and facilities: *Provided*, That it shall set aside such portion of the facilities of its business, as determined by the commission, as may reasonably be necessary to accommodate small shippers and local patrons.

In other words, if the commission can persuade or by indirect compulsion compel a business concern engaged, we will say, in putting up bacon in glass jars to take out a license, the factory and facilities of that concern may be placed at the disposal of anybody else that desires space.

(3) To impose only such charges and rates as are reasonable for the service or facility afforded.

That is, the price-fixing of the product that is processed or stored. They can fix the price of any of those articles.

(4) To exercise such care of the live stock, live-stock products, perishable foodstuffs handled by it as may be necessary to prevent undue loss in connection therewith.

I have no comment to make upon that.

(5) To maintain sanitary conditions in the conduct of its business.

The meat-inspection service of the Department of Agriculture already does that. That is a duplication of function, pure and simple.

(6) To refrain from unfairly discriminatory or deceptive practices or devices in the conduct of its business.

I shall not comment upon that.

Mr. STERLING. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from South Dakota?

Mr. WADSWORTH. I do.

Mr. STERLING. Suppose, on page 22, subdivision (b) should read:

It shall be the duty of every operator.

The word "operator" being used to describe the stockyards. Would the Senator then complain of the duties prescribed which should be complied with by the operator or stockyards?

Mr. WADSWORTH. I will say to the Senator from South Dakota that I have this complaint to make: To the best of my information, the Supreme Court of the United States has held that a stockyard is not engaged in interstate commerce, and I do not see what jurisdiction we have over that.

Mr. KENYON. Mr. President, I do not want to combat the Senator, but I do not want that idea to go without denial.

Mr. WADSWORTH. We can look it up. I am not sure myself.

Mr. KENYON. I think the Senator probably refers to what are known as the Anderson and Hopkins cases in the Supreme Court, that are commonly cited as sustaining that doctrine. I ask the Senator to refer to the case of Swift against United States, in One hundred and ninety-sixth United States, and I think he will see that if any such doctrine should be claimed for the Hopkins and the Anderson cases, they are practically overruled by the Swift case. I thought this: Naturally, stock shipped into a stockyard comes in interstate commerce. Then the transactions take place in the stockyards. Are not those purely State transactions? It would naturally seem that they were; but the Supreme Court, in the case that I have referred to—Swift against United States—holds that these are incidents of commerce; that where there is a general system of receiving stock around the country at different places entering into the stockyards it is different from what might be one transaction; and those matters connected with the stockyards, I think it is fair to say from that decision, are incidents of commerce.

In the Anderson and the Hopkins cases there were involved rules and regulations of the traders' exchange and the live-stock exchange. It was held there that those matters were not in interstate commerce, and under those decisions there is some basis for saying that stockyards might not be considered in interstate commerce; but in the Swift case that was set aside.

Mr. WADSWORTH. I have gotten the impression that it would be pretty difficult to reach a definite conclusion that a stockyard or market was an instrument in interstate commerce. For example, may I suggest to the Senator there is a

public market here in the city of Washington, and people bring vegetables and fruit to it. They rent stalls in it, I assume. They sell their goods. Those people who cross the District line, bringing their goods in and selling them, are engaged in interstate commerce. But is the owner of the market engaged in interstate commerce? If so, what does he do in exchanging goods between States? I can not see it.

Mr. KENYON. If he himself is engaged in the business of receiving these things from outside of the District, then he is engaged in interstate commerce.

Mr. WADSWORTH. Yes; but he is not.

Mr. KENYON. If he merely owns the place—

Mr. WADSWORTH. And charges rentals.

Mr. KENYON. And charges rentals, I doubt very much whether he is engaged in interstate commerce.

Mr. WADSWORTH. That is all a stockyard does. A stockyard company merely owns the place, provides the facilities for penning the cattle and sheltering them, and hay and grain to keep them alive while they are there being sold. The man who owns the market in a city provides the facilities for sheltering the produce, the vegetables, and the fruit, and provides heat and light, if necessary, to keep the place bright and warm while other people are selling the produce. I can not see how the owner of the market is engaged in interstate commerce.

Mr. KENYON. Now, let me say to the Senator, if the owner of the market in addition to all that was himself engaged in the commerce—

Mr. WADSWORTH. That is different.

Mr. KENYON. If he himself owned the place and as an incident to the shipping in had to do with the selling and had to do with the buying, then there is no doubt, I think, that he would be absolutely engaged in interstate commerce.

Mr. WADSWORTH. That is very different. Then you catch him as a shipper and a buyer.

Mr. KENYON. But you find your stockyards owned and controlled by the parties who are engaged in interstate commerce.

Mr. WADSWORTH. Yes; but, now, Mr. President, the Senator from Iowa is touching upon the very point that is cured, it is supposed, by this bill. This bill prohibits a packer from owning stockyards. That takes the buyer of live stock out of the ownership of the yards themselves. I am not complaining against that. I think, on the whole, that is a very good thing to do.

Mr. KENYON. After two years.

Mr. WADSWORTH. Yes; of course, you have to give them time; but after that is done this bill still proceeds upon the theory that the stockyards themselves are an incident in interstate commerce and that the owners of the yards are engaged in interstate commerce, and I think that is where the bill fails.

Mr. KENYON. Mr. President, does not the Senator believe the stockyards are properly instrumentalities of railroads, the same as terminal facilities, passenger depots, and things of that kind?

Mr. WADSWORTH. No, Mr. President; I do not.

Mr. KENYON. I think they should be under the interstate commerce act, and placed under the railroad act, and be a part of the railroads. I think it is an indefensible thing that men can own the stockyards and at the same time be the people who are buying the things the stockmen are buying.

Mr. WADSWORTH. This particular provision does not stop that.

Mr. KENYON. I think it does.

Mr. WADSWORTH. Then, all right. Having done that, the bill does not surrender its jurisdiction over the stockyards, but proceeds to hold jurisdiction over them as if they were still engaged in interstate commerce.

The Senator from Iowa [Mr. KENYON] has contended that the stockyards of the United States should be under the jurisdiction of the Interstate Commerce Commission, and should be regarded properly as a part of the transportation system of the country; in other words, a part of the railroads. Mr. President, I hope, in the interest of the live-stock producers, that that will never be done. The business of handling or managing a stockyard is something which the average railroad man knows nothing about; and it is a fact, Mr. President, that those few stockyards in the United States which are owned or controlled by the railroads are known in the whole industry as the poorest yards in the country. The only people who are competent to manage stockyards are people whose first concern is with the comfort of the stock; and I think I may mention this, that in the old days of stockyards a great many of them in the United States were wretchedly run. The Senator from Wyoming [Mr. KENDRICK] remembers that better than I do. The yards were filthy, the employees who handled the animals beat and clubbed them, jammed them in and out of live-stock

car doors and in and out of pens, to the great detriment of the stock and the injury of the owner who had shipped them to the market to be sold, and incidentally to the injury of the man who wanted to buy healthy animals, unbruised and uninjured; and one of the greatest things that has happened in the last 10 or 15 years has been the improvement in the management of the stockyards, making them cleaner, more comfortable for the animals, imposing rules and regulations upon the employees to treat the animals decently, and providing for prompt service for feeding them upon arrival, for resting them before they are offered for sale. All those things are of vast importance to the man who produces the live stock out on the farm and has to send it to the market to be sold.

I do not criticize this bill for divorcing the packers from ownership of stockyards. One of the reasons, at least, for packers acquiring ownership of stockyards—I know of some instances—was because the live-stock men begged them to do it, because they, the packers, had some concern in the comfort and welfare of the live stock itself, and the yards were so wretchedly run that they wanted somebody with capital to go in and straighten them out and see that the stock was well taken care of.

It may be declared contrary to good public policy for the packers to own stockyards. Very well. Let us not put them under the railroads, for the railroads do not know anything about it. Let the yards be sold as is provided by the decree entered into between the Government and the so-called five big packers, a decree issued by the Federal court, under which they are given, I think, two years to dispose of their holdings in stockyards. Let them be sold.

Mr. KENYON. The decree, as I understand it, has not been arranged as yet as to that particular phase of it.

Mr. WADSWORTH. A plan for the disposition of the holdings has not been finally approved. That is under discussion now. Nevertheless the policy has been adopted by the Government, the decree has been entered, and it is binding.

Mr. KENYON. I understand the Senator does not believe that it is proper or wise to have the stockyards owned by the packers?

Mr. WADSWORTH. I have never been as alarmed about it as some other people, but I certainly make no objection to the Government declaring that as a policy. But one thing I may be permitted to say: That I hope no Congress will ever pass an act putting the management of the stockyards under the railroads. Let other persons buy the yards, or the controlling interest in them, from those who are now, under the decree, compelled to sell them; and if I had any say about it, Mr. President, or any influence in it, I would see to it that associations of stock producers purchased the yards and continued to see to it that they were managed properly in the interest of the producer and the comfort of the stock. I do not think the Senator from Wyoming [Mr. KENDRICK] and I are very far apart on that. But, Mr. President, after the stockyards have been taken away from those who are engaged in interstate commerce, I can not see how those yards are still in interstate commerce.

What happens in the stockyard? A man sends his cattle or his sheep or his hogs from the shipping point nearest his farm or ranch, and he wires or writes his commission man that he is going to do it. Ordinarily he does that. He ships them to himself ordinarily, in care of the commission man, and the commission man receives them when the railroad unloads the stock at a certain set of pens which are known as the unloading pens. That terminates the interstate commerce.

Mr. KENDRICK. Mr. President—

The PRESIDING OFFICER. Does the Senator yield to the Senator from Wyoming?

Mr. WADSWORTH. I yield.

Mr. KENDRICK. I suggest to the Senator from New York that that would apply to possibly a majority of the stock, but not to all of it. Many thousands of cattle, sheep, and other kinds of live stock are consigned to the markets at a longer distance than what we would call local markets. The owners of stock near the local markets would try those markets, and, failing to find satisfactory markets, the stock are reloaded and shipped across State lines into other markets. So the illustration given by the Senator does not apply in anything like all of the cases.

Mr. WADSWORTH. The illustration applies, Mr. President, in a great majority of the cases. But I was not giving that illustration as a portion of the argument. I was only explaining the situation.

Mr. KENYON. May I suggest this to the Senator, too, that if the stockyard is not engaged in interstate commerce, then it would not be under the bill?

Mr. WADSWORTH. But you put them under the bill.

Mr. KENYON. Oh, no. We define stockyards where there is interstate commerce. It might be a question of fact. You might have a stockyard at Omaha that was absolutely without question in interstate commerce. You might have one in Buffalo that was not. It would not apply unless it was.

Mr. WADSWORTH. I can not see how the Buffalo yard and the Omaha yard are different.

Mr. KENYON. Those are only used as an illustration.

Mr. WADSWORTH. However, Mr. President, the stock are unloaded from the cars in certain pens, the unloading pens, and then the agent of the owner, in other words the commission man, sends his men to drive them from those unloading pens to another set of pens in the stockyards proper, a set of pens set aside for the use of the commission man, where he proceeds to have the cattle fed and watered by the management of the stockyards. That is all the stockyard does, to feed and water cattle and shelter them. The management of the stockyard does nothing else but feed and water and shelter and weigh the cattle, if they are sold by the pound. The buyers come through the pens and the commission man sells the cattle; and when they are sold the commission man drives them to the loading chutes, if they are to be shipped out by railroad, and the railroad takes charge of them again at the loading chutes, and interstate commerce is then resumed.

But at no point in the transaction are the president and the secretary and treasurer of the stockyards engaged in interstate commerce. They are only feeding, watering, and sheltering the live stock, while other people are selling them. They are not transporting cattle; they are not shipping them anywhere. I do not see how you can engage in interstate commerce unless you transport something across a State line, and stockyard managements do not do that.

Mr. President, the live-stock business is a very big one, and its ramifications go all over an enormous country; and if I may utter a criticism or, perhaps, a warning, we would better not regard this bill merely in the light of the five big packers. There are some other people in the business. There are many, many thousands, and when we are trying to legislate against five concerns, to regulate them, and are actuated almost entirely by the size of those concerns, it is a very serious thing to go ahead without thinking of all the other elements in the business, which have no connection whatever with the five big packers, which are not engaged in interstate commerce at all. And I think it is a rather dangerous proposal to set up a Federal live-stock commission and clothe it with power to issue regulations which will affect this enormous industry in all its ramifications and complications.

That has been my contention against this bill. I am not here to defend the five big packers. I entertain the impression, Mr. President, that they are the best able to defend themselves of all the people affected by this legislation. They are organized. They can employ counsel. They can appear before the live-stock commission and defend themselves and make their contentions for or against regulations. But what is the little man going to do? He can not employ counsel the year around to keep watching all the regulations and orders issued by the commission and be warned against them. The little men, Mr. President, in the aggregate deal in a majority of the live stock in the United States. I know that assertion is considered rather startling by some people who say that the Big Five control the slaughter of the majority of the live stock in the United States; but they do not control it, and they do not slaughter the majority, and nowhere near it.

Mr. STANLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Kentucky?

Mr. WADSWORTH. I yield.

Mr. STANLEY. As I understand it, it is the Senator's contention, with which I am inclined to agree, that this bill will apply to any packer engaged in interstate commerce, without regard to the size of his business.

Mr. WADSWORTH. Every one. I think there are about a thousand, though I am not sure. An interesting thing in the testimony before the Committee on Agriculture was that every one of the small packers who came before us testified that they were free from oppression at the hands of the Big Five, and many of them testified that they were making a little more money than the Big Five in proportion to their operations. So they do not need protection very much.

Mr. STANLEY. I understand it is admitted that the profits of the smaller packers were greater than the profits of the larger ones.

Mr. WADSWORTH. Slightly larger. So, Mr. President, I would be glad to have the status of the stockyards straightened out in this bill.

The Senator from Iowa says that it only means the stockyards which are actually engaged in interstate commerce; but the bill does not say so.

Mr. KENYON. Mr. President, I do not like to keep interrupting the Senator, but if he takes the definition of stockyards on page 2—

Mr. WADSWORTH. Let us read it. It provides that—

The term "stockyard" means any place, establishment, or facility maintained and conducted at or in connection with a public market and consisting of pens, or other inclosures, and their appurtenances in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for purchase, sale, shipment, or slaughter in commerce.

It is the cattle and the sheep that are to be sold in commerce. It is not the stockyards which are engaged in commerce. Under that definition and wording the bill gives jurisdiction to the commission over the stockyards. I think I am right about the definition.

Perhaps, Mr. President, we can resume discussion of title 5 again. On page 22, subdivision 7, it reads:

It shall be the duty of every registrant to keep complete and accurate accounts and records of its business and to submit reports when called for and in such form as may be prescribed by the commission; and

(8) Otherwise to conduct its business in such manner as may be prescribed in rules, regulations, and orders issued under this section by the commission to carry out the purposes hereof.

Section 8 can very well be described as the section which is intended to pick up everything that all the other sections may have missed, and gives complete power over all the things that may have been forgotten in the previous ones.

In the middle of page 23, line 11, the bill provides:

It shall be the duty of the commission—

And this, I think, is very interesting—

to prepare standardized plans and specifications for grounds, buildings, and other facilities suitable for the business conducted or to be conducted by registrants and to furnish such plans and specifications free of charge to such registrants or to applicants for certificates of registration who have given assurances of undertaking the construction and operation of such buildings and facilities.

That is paternalism gone pretty far when the Government draws the plans of the buildings and all the facilities.

(2) Furnish to registrants reports embodying existing knowledge concerning satisfactory and economical appliances and methods of food preservation by cold storage, freezing, cooking, dehydration, or otherwise.

The Department of Agriculture is doing that now. That is plain duplication of functions. The Department of Home Economics, the Bureau of Animal Industry, and the Bureau of Chemistry in the Department of Agriculture, if my recollection is not pretty bad, are investigating these very things now and are sending out bulletins all over the United States. I hope we are not going to duplicate to that extent.

Subdivision 3 reads:

Cooperate with registrants in procuring for them adequate services from common carriers, by railroad or otherwise.

My recollection is that that is the duty of the Interstate Commerce Commission, under the railroad law, to cooperate with manufacturing concerns and other concerns engaged in commerce in getting railroad connections. Here we are setting up another body to do that same thing.

(4) Furnish to registrants all available information as to supplies of foodstuffs handled by such registrants, and the location and movement and transportation costs of such foodstuffs.

I have no comment to make upon that, although it comes very close to duplicating the functions of the Bureau of Markets in the Department of Agriculture.

(5) As far as practicable, when requested by any such registrant, provide for the inspection by agents of the commission of the live stock, live-stock products, or perishable foodstuffs received or distributed by such registrant to determine the quality, quantity, or condition thereof.

The meat-inspection service of the Department of Agriculture does exactly that thing now. It maintains an inspection service of all the meat-food products going into interstate commerce. Every slaughterhouse, every butcher shop, every packing house whose products go into interstate commerce, is to-day under supervision of the meat-inspection service of the Department of Agriculture. This would duplicate that.

At the proper time I think I shall venture a motion to strike out title 5, because, I think in practice—and I say this in all sincerity—it will result in compulsory license. I think it will be impossible for the average business concern, especially the small ones, to resist the implied command or invitation by the Congress, as set forth in the bill, to take out a license. The invitation or the reduction will be so strong that in effect they will be compelled to do it, and then we will have a Federal licensing system for the hundreds and hundreds of undertakings and with power granted to the commission to do all these things with relation to these licenses, even to fixing the price of their products.

Mr. President, I had not intended this afternoon to speak so long. On another occasion I wish to comment upon some other features of the bill.

Mr. SMOOT. Mr. President, the able address of the Senator from New York [Mr. WADSWORTH] has been listened to most of the time by only five Senators. At this particular moment nine Senators are in the Chamber. I do not know where the other Senators are, but I think it an outrage that a bill is before the Senate that if enacted into law may mean the death of one of the largest businesses in the country, and it will be the beginning of placing all business of the country in the hands of commissions located at Washington, which would mean the destruction of businesses that has taken years to establish.

When the Senator from Iowa [Mr. KENYON] the other day delivered his address, although it was earlier in the day, the greater part of the time there were not to exceed a dozen Senators in the Chamber.

Mr. KENYON. Mr. President, in behalf of the Senator from New York and myself I would like to inquire of the Senator from Utah if he thinks it is due to the fact that it happened to be the Senator from New York and the Senator from Iowa speaking. That might be a pretty good excuse.

Mr. SMOOT. No; and I will say without a question of doubt, that I would not care what Senator it was that was speaking upon the subject there would have been no more Senators present than have been during the discussion of the bill by the Senator from Iowa and the Senator from New York.

What is the use of Senators spending their time in trying to discuss a matter of this kind if we can not have other Senators present to listen to what is said?

Mr. KENYON. I would like to ask the Senator what is the matter with the United States Senate, if anything? Why is it that no more interest is taken in legislation?

Mr. SMOOT. I have been trying to ascertain for a number of years what is the matter and have tried to come to some conclusion, but I have not arrived at a conclusion that has been satisfactory to myself. We discuss measures of the most vital importance to the country. We see Senators come into the Chamber to vote who many times have not read the bill under discussion, and all that is asked is, How does the committee stand on it?

Mr. GRONNA. Mr. President—

Mr. SMOOT. I have often wondered what the people visiting the Senate think of the situation. Will not the time come before long when the Senate is in session, particularly when there are subjects involving such far-reaching results as the pending bill does, that we can have the presence of Senators? I believe it will come. I think it is the duty of every Senator to at least give a part of his time to the Senate when in session. But we have grown into the habit of simply answering the roll call and then going out of the Chamber and not coming back again until the bell rings either for a vote or for another roll call.

I now yield to the Senator from North Dakota.

Mr. GRONNA. Is it not true that when any really important measure, to which there is strenuous opposition, is before the Senate, we generally find at least a quorum here? Is it not fair to presume that on this measure, which has been before Congress so long and has been discussed so thoroughly, there is no real opposition to the bill?

Mr. SMOOT. I do not think the Senator is stating the case correctly. We have had packer legislation before the Senate on several occasions, but the pending bill is worse than any former bills presented.

Mr. WADSWORTH. Mr. President, will the Senator from Utah yield to me?

Mr. SMOOT. Certainly.

Mr. WADSWORTH. There is only one criticism I make of the last expression of the Senator that this should be called packer legislation.

Mr. SMOOT. It has been so wrongfully designated and is what Senators understand it to be.

Mr. WADSWORTH. It goes infinitely beyond the packer. If it were merely packer legislation, confined to the so-called Big Five, we could discuss it upon that basis, but this goes infinitely beyond that. It will tax the whole live-stock industry from the calf to the dining table.

Mr. SMOOT. If Senators had been in the Chamber and listened to what the Senator from New York has said, there would not have been a question in their minds that that is what the bill really provides. I called it packer legislation because that is what legislation of this character has been designated in the press of the country, upon the floor of this Chamber, and it is generally so known because the people of the country have come to the conclusion, or at least the understanding, that it only affects the five great packers of the United States.

Mr. KENYON. Mr. President—

Mr. SMOOT. I yield to the Senator from Iowa.

Mr. KENYON. I would like to suggest to the Senator from Utah that there has gone out a general impression in some way that this is the short session and that Congress would do nothing but pass appropriation bills. I think that sentiment is found among a good many Senators. I do not subscribe to it at all, and I do not think the Senator from Utah does, but here are tremendously important bills pending, outside of this bill. One we have had under discussion in the morning hour ought to be disposed of. Here is the Sheppard-Towner maternity bill that should be taken up and disposed of. But if it was generally understood in Congress that instead of sitting around and doing nothing up to the 4th of March except appropriation bills, that we were going to get down to business and either pass these measures or defeat them, or at least give them their day in the Senate, I believe there would be a very different sentiment. I am inclined to think that that idea which has gotten out, and with which the Senator must be familiar, has something to do with the lack of interest in this session.

Mr. SMOOT. It may be the case, but the Senator also knows that this same condition of things has taken place for two or three years.

Mr. KENYON. I know it.

Mr. SMOOT. Whether it be the short session or whether it be the long session, I am in hopes that something may come that the practice that has grown up in this body of late would be reversed.

So far as I am concerned I do not wish to enter into a discussion of the provisions of the bill at this late hour this afternoon, but I will be ready to go on with it to-morrow. I shall, however, take a little time in a preliminary way to discuss one phase of the measure before adjournment.

Mr. TOWNSEND. Would the Senator like to have an invitation extended to the other Senators to come in?

Mr. SMOOT. Not at all, I will say to the Senator; it will do no good; it will simply disturb those who can hear the bell in what they are doing. Those who are out upon the golf links or out of their offices will not hear it, and we shall not get them here.

Mr. TOWNSEND. Therefore, I think I will suggest the absence of a quorum. It might be a good thing to have them disturbed.

Mr. SMOOT. I ask the Senator not to do that to-night, because I do not want to disturb them.

Mr. TOWNSEND. Very well, then, I will withdraw the suggestion.

Mr. SMOOT. Mr. President, the idea has gone abroad and it is in the minds of most of the people of the country that the reason for this legislation is that the packers have not only been robbing the consumer but robbing the stock raiser as well. The press has been filled with such statements by all sorts of sensational writers, and it has been dinned into the ears of the American people until they really believe it.

If the authors of this proposed legislation wish really to reach the profiteers in the United States, if they desire to get at the profiteers who handle food and meat products, they had better change this bill; they had better strike out its provisions which are designed to control the business of the packers, whose establishments are doing business upon the least percentage of profit on all turnovers of any in America or in any part of the world.

There is something radically wrong in the distribution of goods in the United States; it costs altogether too much money. The profits which have been made by the retailers of the District of Columbia—and I take it for granted that the condition is only the same in the District as in most other parts of the United States—have been in some cases criminal. The profits which have been made by the retailer upon the meat from a steer have been generally more than the price paid for the steer, the cost of railroad transportation of the steer to the packer, and the cost of slaughtering the animal and the preparation of the meat for the market.

I generally keep a record of what I pay for goods in the District. I have such records running some 10 years back. They are not in my handwriting, but in the handwriting of the grocer, and embrace the daily purchases, with prices. As I go back to the year 1912 and look at the prices which I then paid for sirloin steak and compare them with the prices on the bill which I received day before yesterday and a few other bills which I have received this month, the figures are somewhat startling.

I hope that those who are interested in the pending measure may take note of what the actual conditions are, and, instead of pressing the pending bill, will prepare some legislation to

regulate the prices which are charged the consumer. If they will do that the story will be an altogether different one.

I notice that on the 14th day of December, 1912, the best sirloin steak which I then bought in the District of Columbia, 4 pounds, cost \$1, or 25 cents a pound. I have a bill here that was rendered on the 9th day of the month for 4 pounds of the same kind of steak, which cost \$2.20—120 per cent increase in the price of steak, while the price of the meat being sold by the packers, so called, is very little different now from what it was on the 1st day of December, 1912. I can go through the whole list here, Mr. President, and show to the Senate that it is not the packers who are culpable.

It is so not only as to meat, but it is also true as to nearly everything which one purchases. I thought I would test that proposition. Last June before I left for home I picked up a bill which had been rendered for groceries which had been purchased at retail on some date in June. Taking that bill I went down on Pennsylvania Avenue and bought a wholesale bill of each one of the articles. I figured up the retail price I paid for all of the items, and then figured up the wholesale price upon the same articles, and the difference between the wholesale and the retail prices was 87 per cent! Rather a handsome profit. No telling what the difference would have been if I could have purchased from the producers.

If the Senate of the United States desires to help the consumers in this country, and if it has the power to do so, it seems to me that we are beginning at the wrong end of the line.

Mr. KENYON. Mr. President—

Mr. SMOOT. I yield to the Senator from Iowa.

Mr. KENYON. I should like to ask the Senator from Utah if the Lever Act would not cover such a situation as he has indicated showing the charging of unreasonable prices?

Mr. SMOOT. Perhaps it could, but it does not do so.

Mr. KENYON. Has not the Congress of the United States given the power to the Attorney General's office to remedy it, so far as law can remedy it? I do not know, but I suspect that if there were some attempt to enforce the Lever Act it might result in lowering some of the prices.

Mr. SMOOT. All I know is that, Lever Act or no Lever Act, prices have not been reduced very materially. I notice that during the last few days, however, there has been a reduction of prices, and there will be more.

Following the adjournment of Congress last year I returned home for a few days. I asked my business associates there to begin to reduce their stock of goods on hand, and with that end in view to cut prices and force sales of stock which they had on hand at that time. They, like others, however, thought there was no need of taking such action until other retailers began to cut prices. The jobbers of the country held prices up just as long as they could. They waited for the time when their competitors should make a reduction in their prices, and, Mr. President, they all waited too long.

What is the underlying difficulty to-day with the financial conditions which confront us? The truth is that reductions have come about altogether too suddenly. They ought to have been taking place for over a year and business should have been adjusting itself to the new conditions which everybody ought to have known were going to come upon us.

I do not wish to be an alarmist; such an attitude does no good, but on the contrary sometimes hastens things too rapidly; but I wish to say now that if I could speak to every merchant in the United States, man to man and face to face, and discuss the existing situation, I would tell them all that the best thing for them to do is to meet the situation as it is, and to remember that the time has passed when profits of 100 per cent or 150 per cent can be imposed upon the consumer. I remember years ago when I was the manager of a retail store that it was thought a profit of 25 per cent was about as high as could possibly be obtained.

Mr. POMERENE. A gross profit.

Mr. SMOOT. A gross profit, as the Senator from Ohio says. I do not believe that it is possible to go into a drygoods store in the District of Columbia to-day and find a single item, unless it has been placed upon a bargain counter, on which the profit does not run from at least 40 to 50 per cent.

I know that it costs more to conduct business to-day than it formerly did. We have the telephone, for instance, and from nearly every home there come three or four telephone messages a day requesting that a box of matches or a can of corn or some small article be delivered at once. I know that the advertising carried on to-day by small merchants as well as the large ones imposes an immense burden upon the cost of distributing goods. I am not saying that advertising is not necessary, for if one merchant advertises all must follow suit, and,

perhaps, in a way, advertising charges are the least objectionable of all of the extra expenses. Then, too, rentals are higher, and compliance with acts of Congress imposing a limit upon the hours of employment have added greatly to the cost of conducting business. All of these modern methods are recognized as entering into the cost of distributing goods; and the ultimate consumer must pay that cost.

But, despite all those items, there is no question of a doubt that in the last few years prices have been charged the consumer from one end of this country to the other that can not be rightly defended; and why we should pick out the industry that during that whole period of time has charged less profits than any other upon what it has handled and disposed of I can not understand.

Mr. POMERENE. Mr. President, does not the Senator think that if he were addressing any ordinary audience in any section of the country, and should say that he was going to throw a brick and hit on the head a man that had charged too much for his goods, and so forth, about two-thirds of the audience would duck their heads?

Mr. SMOOT. Well, there is something in that. Of course, I recognize that the packers have very few votes and very few friends, and I suppose I shall be criticized now for speaking of the charges made by retailers. You know there are lots of votes among the retailers; but it makes no difference to me, and it certainly should make no difference to any Member of the Senate or the House. We ought to look at the conditions just as they are.

As I came through Chicago the other day I visited the International Live Stock Exhibition. I have witnessed that exhibition a number of times during my life, but I do not remember ever seeing a more wonderful exhibition of live stock than was shown there. I have seen the exhibitions in England and in other foreign countries. I have seen them in this country, as I say, many times in different States; but never did I see such a wonderful collection of live stock as was shown at the exhibition this month. I thought to myself: "Is there any square mile of land in all the world where so much business is done as upon that 1 square mile in Chicago in which the packing industry is located, and to which the live stock of this country is shipped from all parts of the land?"

Mr. President, I went through some of those institutions. I have had some little experience in business, but I thought to myself, "Suppose you were put in charge of this business, could you manage it? Could you have brought it up to the perfection in which it exists to-day?" And I had to admit to myself that it would be next to impossible. Here, Mr. President, we find a business that has grown not only in volume but in perfection of handling and distributing its products, until there is nothing like it in all the world; and now we want by legislation to turn it over to be managed by rules and regulations and orders of a commission appointed, created by Congress.

I say, without fear of contradiction, there is not a member of that commission that could manage successfully any one department of that great industry; and if the men who favor this legislation owned the business they would never think of hiring such men for that purpose.

We know the condition. The commissioners are not going to make these investigations personally. Who, then, will make them? Somebody that has passed a civil-service examination; more than likely persons that never conducted business to any extent in all their lives. Who is going to issue the orders and the rules and the regulations? Men who know nothing about the business. If we are going to destroy it, let us do it outright, let us do it at once, rather than to bring about a strangulation that will take perhaps a year or two to accomplish.

I wanted to say that much to-night before entering upon a discussion of the provisions of the bill itself, and I should like the Senate to consider the proposed legislation without any prejudice whatever, and upon the facts rather than upon sensational statements and reports.

It may be that if we pass this legislation it will not be long before it is repealed; but I have never yet seen a case where there has been an agency of investigation created but that that agency always found some excuse for continuing its existence and always found some excuse for an increase of power. You always find them pleading for increased appropriations. Pass this bill and that will be repeated, and the business interests of this country may just as well know now that this is only the first step to be taken. You direct and control by legislation, through a commission, the packing industries of this country, and the next step will be the control of all businesses in this country.

Why, what a splendid time a lot of these clerks passing the civil-service examination would have in directing the business

of the United States. And you might as well know that you can not destroy business in the United States without affecting not only the revenues of the United States but the very existence of our country.

Last month I was coming from Los Angeles to my home. I took a party to dinner on the diner. On the menu card there were steaks, and the price of each appearing. I noticed that a small steak was \$1.50; a full steak \$2. My friend said, "Let us have a full steak, and that will be ample for two." The waiter said, "Oh, yes, sir; that is ample for two." We ordered it. It came in to us. I think it weighed about 4 ounces. It was not enough for one, and it cost \$2. I had sent to me a menu card from Seward, Alaska, and I thought to myself, why is it that a full steak in the United States costs a great deal more than a full steak in Alaska? Why is it that eggs in the United States cost more than eggs in Alaska? I see from my bills that eggs are \$1.10 a dozen, or were yesterday. But in this menu card from Seward, Alaska, I noticed that not only meat, but practically everything else, costs less, even salads and relishes.

When are we going to stop this in the United States, and how are we going to stop it? Not by licensing the packers. I would like to ask the American people not to buy a single thing that they are not compelled to have until the prices become reasonable.

Mr. President, if the time has come to license business in the United States, treat them all alike. If the time has come when business must be run in the United States by a lot of \$1,500 and \$1,000 clerks, directed by a commission here in Washington, let it apply to all businesses.

I took occasion to go down to the market the other day to find out the prices at which the packers sell meat in the District; and I think it would be rather interesting to the people of the District to know that the carcasses of beeves from Texas are selling at from 12 to 13 cents a pound; that medium steers from our western States are selling at from 14 to 16 cents a pound, according to weight; that heavy, grain-fed beeves are selling for from 18 to 20 cents a pound.

Mr. President, those prices are the prices at which this beef is delivered to the store, with no expense whatever for even hauling it from the packer's house to the store where the retailer sells the beef.

Mutton is selling to-day wholesale for from 15 to 16 cents a pound. Last night I had upon my table a leg of mutton. It was supposed to be lamb, but the bones were larger than those of any 5-year-old sheep I ever saw in my life. I looked at the check, and I found out that there were 6½ pounds of it, \$2.28; that is 35 cents a pound. That lamb-mutton the merchant paid 15 to 16 cents a pound for. It may be, Mr. President, that those things can go on. But let us know where the profiteering is. We are after the man now who sells that for 15 and 16 cents, to control his business. I have a long list here, Mr. President, showing similar results, but why go into it when they are all about the same.

When I was last in Chicago I was asked by one of the packers to go to their hide-storage place. They have built storage space there by the block, buildings 10 and 12 stories high, and there is not a foot of space in any of them but what is filled with hides.

Mr. THOMAS. What are they holding them for?

Mr. SMOOT. It is impossible to sell them, Mr. President. Hides are lower to-day than they were in 1909; but I call the Senate's attention to the following experience I recently had: Two years ago I bought a pair of shoes at Edmonston's for \$12 plus the war tax. I purchased another pair, exactly like the others, just before I left for home last June, put them on, and when I went to pay the bill the clerk said, "\$18.80." Mr. President, I had them on my feet, was on the way to the train, and I had my old shoes tied up, or I would have told him to take his shoes and keep them. Mr. President, hides to-day are cheaper than they were in 1909, when I could have bought the same shoe for \$5.50.

Mr. WARREN. If the Senator will allow me, the price of hides is lower now than it has been since 1895.

Mr. SMOOT. I am only going back to 1909. We propose to control the one business and we let the man who sells the shoes make any profit he wants.

I had rather a funny experience just the other day in Salt Lake. I was living at the Utah Hotel, and while there met a traveling man representing a large shoe-manufacturing concern. In passing the sample room one day he asked me to come in. I went into the room and looked over his line of shoes, and I asked him the price of different kinds of shoes. I saw there the exact kind of shoe that Mrs. Smoot had purchased in the District of Columbia, made by the identical manufacturer. I

asked him what the wholesale price of that particular shoe was, and he said \$6.75 per pair. I said, "Mrs. Smoot bought a pair of the same kind of shoes, and she paid \$19 plus the war tax for them in the District of Columbia."

Is it the packer that needs regulating? On all of their over-turns they make less than 2 per cent. I know that they do a vast volume of business, and the organization is so perfect, Mr. President, that there is no cog loose in those great organizations. I wish that the business interests of this country, from one end of it to the other, were so ably managed. And now we propose the business shall be controlled by a commission. We propose that a commission shall prepare and issue, with the effect of law, rules and regulations and orders for the management of the business.

I have no excuse to make for the packers or anybody else who violates the law. I do not think for a minute the packers care anything about an ownership in the stockyards. In fact, I know they do not. They were provided in order that the business could go on without interruption and the stock shipped to market taken proper care of.

I know, Mr. President, that the only reason the packers invested in refrigerator cars was because they found that unless they were in a position to secure such cars the very day they wanted them, aye, the very hour, their products in many cases would spoil. Their experience taught them the railroads could not or would not furnish the cars necessary and at the time required; no profit is made in their ownership.

Suppose we had had no packers, Mr. President, when the late war was declared. Do you think we would have shipped the billions of pounds of meat that were shipped to our Army, the reports showing that there were less than 20,000 pounds of spoiled meat from the packers' doors until it was fed to our men in France? Do you think that could have ever happened, or do you think that the Government of the United States could have secured it, without an organization such as existed in this country?

Mr. President, as to the details of the bill I shall offer some suggestions, and I have some amendments to offer to it, if this Congress is going into this class of legislation. I can not believe that they would if they understood it. I do not believe, Mr. President, that it is possible that a majority of the House and a majority of the Senate would support legislation of this kind if they really knew what it meant.

Therefore I am going to ask the chairman of the committee if he will not consent that we take an adjournment at this time until to-morrow. I do not want to begin the discussion of the bill itself.

Mr. GRONNA. Mr. President, would the Senator be willing to take a recess until to-morrow? I think that we can dispose of this bill one way or the other in the course of two or three days.

Mr. SMOOT. Really, there is not such a necessity for immediate action upon this as there was upon the grain bill, and while I do not know of anything particular to come up in the morning hour to-morrow, there is nothing gained by recessing and having routine matters come in later, asking permission that they be presented out of order.

Mr. GRONNA. I want to say to the Senator that I do not want him to go on if he does not care to do so.

Mr. SMOOT. I do not want to proceed to-night. I wish to say also that to-morrow I expect to go on as soon as the morning business is closed.

Mr. GRONNA. I want to say to the Senator with all candor, there are many important bills pending which ought to be passed at this session. I realize that it is the short session, and all that. We have a bill which the War Department is very anxious to have passed, the bill providing for the manufacture of atmospheric nitrogen. It is a bill which is of very great importance to the people of the country, a bill which has been recommended by the administration. I believe there are more important bills standing upon the calendar now than at the beginning of any other session since I became a Member of this body. As one Senator, I am willing to work late and early to help dispose of them. I know that no one works harder than the Senator from Utah. We all know that. Could we not take a recess until to-morrow and go right on with the bill until we dispose of it?

Mr. SMOOT. I do not care what the Senator does. All I care to do is to say what I have to say. But I do not care to go on to-night.

Mr. GRONNA. I wish to say to the Senator from Utah that the members of the committee who have had this bill in charge are of the opinion that we ought to dispose of the matter one way or the other.

Mr. SMOOT. I agree with the Senator as to that.

Mr. GRONNA. We are glad to have suggestions. The bill is not perfect, and we are glad to have suggestions from any Senator. We sincerely hope to have their cooperation and approval. The whole country, I believe, is of the opinion that legislation of some sort with reference to the great packing industry must be passed, and we might just as well meet the situation frankly and fearlessly. So far as I am concerned, I have no grievance against the packers any more than I have against the farmers of the country; none whatever. It is simply a measure which I believe would be beneficial not only to the people generally but would be beneficial to the packers. This constant agitation which has been going on, and I might say the propaganda which has been going on from both sides, is not doing very much good, and I believe the Senator will agree with me on that.

Mr. SMOOT. I will say to the Senator that there is propaganda from both sides. There is no doubt about it at all, but that ought not to throw us off our feet. We ought at least to keep our heads.

Mr. GRONNA. I have confidence in the membership of this great body that there is enough genius, enough brains, enough patriotism and wisdom, and we understand the English language. I am perfectly willing to leave it to the lawyers of the Senate to write the bill and make it in such form that it will be workable and that it will do justice not only to the public but to the packers.

Mr. SMOOT. I hope the Senator will qualify that statement. I would not want to leave it to the lawyers of this body. I want to say something as a business man, and I think the Senator ought to. I have not any desire in my heart to do other than just what I think is in the best interests of the business of the country.

Mr. GRONNA. I am sure of that.

Mr. SMOOT. That is the position I take. It would be perfectly useless for me to go on to-night. The Senator may do just as he pleases, recess or adjourn.

The VICE PRESIDENT. The Chair will state to the Senator from Utah [Mr. SMOOT], who complains about the absence of Senators, that if he insists upon an enforcement of Rule V, clause 1—

No Senator shall absent himself from the Senate without leave—he will probably get a hearing to-morrow.

Mr. SMOOT. I thank the Chair for calling my attention to it.

Mr. GRONNA. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 15, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 14, 1920.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty Father, look down from Thy throne of grace upon this sin-stricken world with its sorrow and grief, with Thy loving compassions, and teach us the better way. "Man's inhumanity to man makes countless thousands mourn!"

Inspire us with more generosity, less selfishness, more love, less hate, more religion, less creed, more devotion, less conventionality, more humanity, less individuality, more heaven, less hell.

Oh why should the spirit of mortal be proud?
Like a fast-flitting meteor, a fast-flying cloud,
A flash of the lightning, a break of the wave,
He passeth from life to his rest in the grave.

Increase our faith in Thee and in humanity, in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO EXTEND REMARKS.

Mr. LUFKIN. I ask unanimous consent to extend my remarks in the RECORD on the question of the permanent restriction of immigration.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD on the permanent restriction of immigration. Is there objection? There was no objection.

REPORT OF THE PUBLIC BUILDINGS COMMISSION.

Mr. CLARK of Florida. Mr. Speaker, at the request of the gentleman from Kentucky [Mr. LANGLEY] I ask unanimous

consent to file a report of the Public Buildings Commission for printing in the RECORD.

The SPEAKER. The gentleman from Florida asks unanimous consent to file a report of the Public Buildings Commission for printing in the RECORD. Is there objection?

There was no objection.

The report is as follows:

REPORT OF THE PUBLIC BUILDINGS COMMISSION. (Presented by Mr. LANGLEY.)

The Public Buildings Commission believes that a report of its activities since its creation will be of interest to Congress at this time.

The legislative act approved March 1, 1919, provides that the "commission shall have the absolute control of and the allotment of all space in the several public buildings owned or buildings leased by the United States in the District of Columbia," with certain exceptions. The commission is composed of seven members—two Senators, two Members of the House of Representatives, the Superintendent of the Capitol Building and Grounds, the officer in charge of Public Buildings and Grounds, and the Supervising Architect or the Acting Supervising Architect of the Treasury. Ten thousand dollars was appropriated for the expenses of the commission.

The work of the commission has been conducted with the following objects primarily in view:

First. To save the Government as much money as possible in rental charges by moving activities from rented to Government-owned space wherever feasible.

Second. To settle office space disputes among the departments. (The commission is glad to say these have been few in number.)

Third. To provide, so far as circumstances would permit, suitable and adequate space for each department of the Government.

Immediately upon its organization the commission undertook and completed a very comprehensive survey of all office space occupied by the Government in this city, both rented and Government-owned.

This survey gave such information as the name and location of each building occupied by the Government, gross space occupied, the number of employees housed therein, space used for files, space used by employees, average number of square feet per employee, and other data of like nature, which enabled the commission to get a very clear view of the situation in each building. Taking 60 square feet per employee as a basis, it was not difficult to single out the overcrowded buildings and those which were too sparsely occupied. Illustrating the hazardous manner in which these buildings were being used, it might be added that the commission found one building so crowded that each employee was occupying an average of only 11 square feet. Other buildings ran as high as 200 square feet per employee.

The survey showed the necessity for a number of moves and readjustments of space, and these were immediately ordered by the commission. The result was the release of a considerable number of rented buildings and a more even distribution of the space in Government-owned buildings.

A comparison of the rentals paid by the various departments on June 1, 1919, when the commission completed its first survey, and the present will no doubt be of interest:

Department.	Annual rentals June 1, 1919.	Annual rentals Dec. 1, 1920.
Agriculture.....	\$190,910.00	\$143,363.00
Alien Property Custodian.....	31,200.00	31,200.00
Board of Mediation and Conciliation.....	2,460.00	2,460.00
Bureau of Efficiency.....	16,875.00	16,875.00
Civil Service Commission.....	66,900.00	65,500.00
Commerce.....		
Council National Defense.....		
Court of Claims.....	6,400.00	
Federal Board for Vocational Education.....	12,600.00	
Federal Trade Commission.....		
Grain Corporation (Food Administration).....		
Interdepartmental Social Hygiene Board.....	23,000.00	
Interior.....	2,040.00	2,688.00
International Boundary Commission.....	1,724.40	3,000.00
International Joint Commission.....	72,058.04	87,058.04
Interstate Commerce Commission.....	36,000.00	36,000.00
Justice.....	58,361.60	24,000.00
Labor.....		
National Advisory Committee for Aeronautics.....	1,224.00	
Navy.....	7,500.00	7,500.00
Panama Canal Office.....		
Post Office.....		
Public Buildings and Grounds.....		
Railroad Administration.....	86,985.00	(1)
Shipping Board.....	210,105.56	86,279.40
State.....	5,000.00	
Superintendent, State, War and Navy Buildings.....	11,000.00	10,200.00
Tariff Commission.....	174,839.00	159,106.08
Treasury.....	81,867.08	25,425.00
War.....	18,559.00	14,333.28
Zone Finance Office.....	11,383.00	11,383.00
Zone Supply Office.....		
Totals.....	1,134,581.68	733,361.80

* Rentals for buildings occupied by the Railroad Administration are now being paid by funds derived from the operation of the railroads.

The difference between these two totals shows a saving in rental charges to the Government of \$401,216.88, to which should be added the \$86,279.40 rental now being paid by the Shipping Board, making a total saving of \$487,496.28. The reason for adding this amount to the total is that arrangements have been made for the entire personnel of the Shipping Board to occupy the new Navy Building, and as soon as the necessary details can be worked out the move will be made.

THE TEMPORARY BUILDINGS.

There are now in this city 15 temporary nonfireproof buildings which were built by the Government during the war. This does not include the Navy Building, the Munitions Building, and Building E, at Sixth

and B Streets, which are temporary but fireproof. It has been against the policy of the commission to place permanent departments of the Government in these inflammable structures whenever it could be avoided. It has in a few instances, however, been unavoidable. This reluctance on the part of the commission to place permanent activities in these buildings will account for the fact that in some of them are to be found considerable areas of unused space. This is particularly true of units A and B, Sixth and B Streets. Some might argue that departments of the Government occupying rented space should be moved immediately into this unoccupied space. Take the Department of Labor for example. It is occupying a splendid building at Seventeenth and G Streets, rented it is true, but at the very reasonable figure of 28 cents per square foot. Would it be the part of wisdom to direct this department to vacate the building and move into one of those inflammable structures when they have a very distinct bargain in their rental charges? Other examples of a similar nature are: The Civil Service Commission, paying 35 cents per square foot; the Department of Commerce, 35 cents per square foot; the Interstate Commerce Commission, 36 cents per square foot; and the Panama Canal office, 37 cents per square foot. The commission believes that in cases like these, where the departments are adequately housed at a very reasonable figure, they should continue to occupy their present quarters until they can be provided for in permanent Government-owned structures.

It will be necessary to raze two of the temporary buildings during the coming year, as the owners of the ground upon which they are located decline to renew the lease. They are the Corcoran Courts Building, on New York Avenue near Seventeenth Street, and the Council of National Defense Building, at Eighteenth and D Streets. The commission has already provided space elsewhere for the occupants of these buildings and their demolition will cause no inconvenience to the service. With reference to the remaining temporary buildings, the commission believes they also should be razed at the earliest practicable date, or as soon as their retention is no longer a matter of necessity. They were built to last only a very short time, and as the years go by the expense of maintaining them will continue to mount.

EXPENDITURES.

As stated in another part of this report, an appropriation of \$10,000 was placed at the disposal of the commission. Of this amount there still remained to the credit of the commission on September 30, last, when the last report was made to the auditor, an unexpended balance of \$3,502.58. Thus the commission has expended during the first 19 months of its existence the sum of \$4,497.42. The following statement will show how the funds have been spent:

Personal services (including salary of the secretary).....	\$3,837.12
Printing.....	130.75
Car tickets.....	40.63
Office supplies.....	227.05
Automobile repairs.....	252.05
Telephone.....	9.82
Total.....	4,497.42

REORGANIZATION OF THE ADMINISTRATIVE BRANCH OF THE GOVERNMENT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. J. Res. 339, being "A joint resolution to create a joint committee on the reorganization of the administrative branch of the Government." That the resolution shall be the continuing order of business, except consideration of conference reports and matters on the Speaker's table. That there shall be one hour of general debate, confined to the subject matter of the resolution, to be divided equally between the proponents and opponents of the resolution. That at the conclusion of the general debate the resolution shall be read for amendments under the five-minute rule. That at the conclusion of the consideration of the resolution for amendments, the resolution, together with the amendments, if any, shall be reported to the House. That the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

The Committee on Rules, to which was referred H. Res. 610, submits a privileged report on said resolution with the following amendments:

In line 2, after the word "resolution," inserting "the Committee on the Judiciary shall be discharged from further consideration of S. J. Res. 191, the same being 'A joint resolution to create a joint committee on the reorganization of the administrative branch of the Government,' and."

In lines 4, 5, 6, and 7, after the word "of," in line 4, striking out "H. J. Res. 339, being 'A joint resolution to create a joint committee on the reorganization of the administrative branch of the Government,' and inserting in lieu thereof "the same."

In lines 7, 8, and 9, striking out the sentence "That the resolution shall be the continuing order of business, except consideration of conference reports and matters on the Speaker's table."

In line 10, striking out the words "one hour" and inserting in lieu thereof "not to exceed two hours."

The resolution as amended will read as follows:

Resolved, That immediately upon the adoption of this resolution the Committee on the Judiciary shall be discharged from further consideration of S. J. Res. 191, the same being "A joint resolution to create a joint committee on the reorganization of the administrative branch of the Government," and it shall be in order to move that the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of the same. That there shall be not to exceed two hours of general debate, confined to the subject matter of the resolution, to be divided equally between the proponents and opponents of the resolution. That at the conclusion of the general debate the resolution shall be read for amendments under the five-minute rule. That at the conclusion of the consideration of the resolution for amendments the resolution, together with the amendments, if any, shall be reported to the House. That the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit."

The committee recommends that the resolution with these amendments be adopted.

Mr. CAMPBELL of Kansas. Mr. Speaker—

Mr. SHERWOOD. Mr. Speaker, I note the absence of a quorum.

The SPEAKER. The gentleman from Ohio makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. CAMPBELL of Kansas. I move a call of the House.

The SPEAKER. The gentleman from Kansas moves a call of the House.

The motion was agreed to.

The Clerk called the roll, when the following Members failed to answer to their names:

Andrews, Md.	Flood	Kitchin	Riddick
Anthony	Freeman	Kreider	Riordan
Bakka	Fuller, Mass.	Langley	Robinson, N. C.
Baer	Gallagher	Lasher	Romjue
Blackmen	Gallivan	Linthicum	Rose
Bocher	Gandy	Little	Rose
Bowers	Goldfogle	Loneragan	Rowan
Browne	Good	Luhling	Rowe
Brumbaugh	Goodall	McCulloch	Rubey
Burke	Gould	McKenzie	Sanders, Ind.
Byrns, Tenn.	Graham, Pa.	McKinley	Sanders, La.
Caldwell	Green, Iowa	McLaughlin, Nebr.	Sanders, N. Y.
Candler	Griest	McLeod	Sanford
Carew	Hamill	Maher	Scott
Casey	Hamilton	Mason	Seilly
Christopherson	Hersman	Mead	Small
Classon	Houghton	Mooney	Smith, N. Y.
Coady	Howard	Moore, Ind.	Snell
Costello	Hulings	Morin	Stevenson
Crago	Husted	Mudd	Stiness
Currie, Mich.	Hutchinson	Nelson, Wis.	Sullivan
Dent	Igoe	Nolan	Upshaw
Dewalt	James, Mich.	O'Connell	Vare
Donovan	Johnson, Ky.	Oliver	Volk
Dooling	Johnston, N. Y.	Radcliffe	Ward
Edmonds	Kahn	Rainey, Ala.	Winslow
Emerson	Kennedy, Iowa	Rainey, H. T.	Wise
Ferris	Kettner	Ransley	Yates
Fields	King	Reed, N. Y.	

The SPEAKER. Three hundred and sixteen Members have answered to their names, a quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

COMMITTEE ON BANKING AND CURRENCY.

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may be allowed to sit during the sessions of the House.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the Committee on Banking and Currency may sit during the sessions of the House. Is there objection?

There was no objection.

REAPPORTIONMENT.

Mr. SIEGEL. Mr. Speaker, I ask unanimous consent that there may be printed as a House document the apportionment of each number of Representatives from 435 up to 483, inclusive, by the method of major fractions, and that 1,000 extra copies be put in the document room.

The SPEAKER. The gentleman from New York asks unanimous consent that there may be printed as a House document the figures relative to reapportionment showing the apportionment from 435 Members up to 483 in the event of an increase, and that 1,000 extra copies may be put in the document room. Is there objection?

Mr. WINGO. Reserving the right to object, what basis does the gentleman make his figures upon?

Mr. SIEGEL. Based on the method of major fractions.

Mr. WINGO. Does the table which he offers show a different basis that might be used?

Mr. SIEGEL. It shows what it will be on the basis of having a House from 435 up to 483.

Mr. WINGO. Does the gentleman's table show the result if they use some other basis?

Mr. SIEGEL. I have each one here separately.

Mr. WINGO. Then it is complete between 435 and 483?

Mr. SIEGEL. It is complete.

The SPEAKER. Is there objection?

There was no objection.

REORGANIZATION OF THE ADMINISTRATIVE BRANCH OF THE GOVERNMENT.

Mr. CAMPBELL of Kansas. Mr. Speaker, the resolution submitted just before the point of order was made brings before the House a resolution introduced by the gentleman from Nebraska [Mr. REAVIS]. That resolution proposes a step to be taken by the action of the two Houses of Congress to secure the appointment of a committee to ascertain what economies may be inaugurated in the executive departments of the Government by the consolidation or the reduction of bureaus or commissions in

the departments of the Government. That there is necessity for this action no one will question.

For a long period of years there has been growing up in all the executive departments of the Government one bureau or one commission after another. There is now overlapping duplication of governmental activities in many of the departments of the Government. The high cost of Government in the United States stands out above all the other Governments of the world. I know that for 20 years the socialist rather than the political economist has dominated the activities of this Government. [Applause.]

Every group of people who have imagined that they could better mankind sought a bureau or commission, and at the next session of Congress that bureau or commission was duly created. It started when we appropriated \$25,000 or \$30,000 the first year, and grew from that into the hundreds of millions.

This thing has gone on to such an extent that there are to-day more than 40 bureaus actively operating in the interest of the public health of the United States. That is what they say they are doing. There are several different agencies in this Government undertaking to operate on the rat. You will find different publications by different agencies of the Government telling you how to get rid of rats. If you take yourself seriously and the Government seriously you will find from studying these various publications that rats are sometimes destroyed by rat dogs, and that the dog known as the rat terrier is probably the best rat dog. You will also discover that rats are sometimes killed by cats, although it takes a good sized cat to perform the operation.

You will also discover that some other activity of the Government says that the rat can be killed by getting him into a trap, and then it tells you how to dispose of him after you have trapped him. Another agency recommends poison, and so on. These different activities of the Government are costing the American people hundreds of thousands of dollars. These publications are published seriously and sent out to the farmers and the business men and to the community in general.

Mr. SNYDER. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. SNYDER. I would like to say to the gentleman in carrying out his arguments that this morning there was laid before the Indian Committee a recommendation from the Indian Commission, an honorable body of men, that would cost the Government not less than \$5,000,000 if put into effect, and the most of those recommendations are absolutely not needed and useless.

Mr. GARNER. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARNER. I think that something ought to be done along the lines suggested by the gentleman, but the gentleman has looked over the so-called budget system bill—

Mr. CAMPBELL of Kansas. I helped to prepare it.

Mr. GARNER. Does not the gentleman think that that will meet all the purposes sought to be obtained by this commission?

Mr. CAMPBELL of Kansas. Probably not.

Mr. GARNER. What could this commission do that is not contemplated by the budget bill?

Mr. CAMPBELL of Kansas. For example, I think this legislative commission would recommend legislation that would consolidate all of the health-promoting activities of the Government, there now being anywhere from 41 to 46 bureaus.

Mr. GARNER. The very purpose of the budget system—and we were particular about our wording of it, if the gentleman will recall—in fixing the duty of the independent auditor was to provide that he suggest to Congress where these various bureaus could be consolidated and where economy can be had. What I am afraid of, if we create this commission, is that we are going to have a duplication of work and friction between the recommendations of the commission, which will probably go over a period of two years, and the independent auditor and the executive budget coming from the President's office. If you have friction between these various things, it will redound to holding back legislation rather than promoting it.

Mr. CAMPBELL of Kansas. In response to the suggestion of the gentleman from Texas, I have no doubt that the commission sought to be created by the resolution offered by the gentleman from Nebraska [Mr. REAVIS] would cooperate with the budget officers in accomplishing economies that are contemplated by the budget system.

Mr. GARNER. Is there not danger in this commission having undue influence with the President's budget? I do not think it will have any influence with the independent budget as created, but will not this commission tend to have an extraordi-

nary influence on the President's budget as contemplated by the budget bill?

Mr. CAMPBELL of Kansas. I think not. As I understand it, legislation will be necessary in order to accomplish the economies that are so highly desirable. We must get rid of duplications and overlapping of bureaus. That can not be accomplished by an auditor. That can only be accomplished by legislation, and this commission is sought for the purpose of suggesting such legislation as may be necessary and useful in accomplishing these economies. It was suggested years ago that if this Government were run as a large private corporation is run, there would be a saving of \$300,000,000 annually in the expenses of the Government. It is contemplated now that there can be a saving of \$500,000,000 with the proper consolidation and the elimination of certain governmental activities. Many of them are absolutely useless. Many of them are merely serving the purpose to-day of giving splendid jobs to people who ought to be out in the country earning a living, producing something. Thousands upon thousands of useless employees litter the public buildings in Washington, rendering no useful service to the American people. It is the purpose of this resolution to find out where employees may be dispensed with, and to inaugurate the necessary economies in the Government that the people so earnestly desire.

I yield 15 minutes to the gentleman from North Carolina [Mr. POU], to dispose of as he sees fit, and reserve the remainder of my time.

Mr. POU. Mr. Speaker, the minority will certainly throw no obstacle in the way of the adoption of this resolution, but my prediction is that the effort to accomplish this great work in this way will not be entirely successful. The gentlemen who serve on this joint committee on reorganization will not have time to perform the task assigned to them thoroughly. If the Congress wishes the public service of the United States to be thoroughly reorganized, my own individual judgment is that we would better get a joint committee on reorganization composed of experts who know how to handle the job. There are few, if any, Members of this body who are experts in governmental departmental administration. Nevertheless the majority is willing, it seems, to approach the task by appointing a committee of this House. The purpose is economy. No doubt there has been great waste, no doubt there has been duplication, and if this joint committee on reorganization can eliminate any of the duplication or reduce expenditures, all well and good—we bid you Godspeed. I have no further comment to make.

Mr. HARDY of Texas. Mr. Speaker, will the gentleman yield?

Mr. POU. Yes.

Mr. HARDY of Texas. I am curious to know whether this will not duplicate the work of the budget commission, if both of them do their duty.

Mr. POU. I think I am hardly competent to answer that question. I can conceive how there might be a duplication of work, but I would rather refer the inquiry of my friend to some budget expert.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. POU. Yes.

Mr. HASTINGS. I have not been able to see a copy of this rule. What provisions are made in it for offering amendments?

Mr. POU. House joint resolution 339 will be subject to amendment, if the special rule is adopted.

Mr. HASTINGS. I have not been able to get a copy of the special rule.

Mr. POU. Amendments are not cut off.

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. POU. Yes.

Mr. GARD. I desire to understand the procedure under this special rule. I have been unable to obtain a copy of the rule. Are we proceeding to the consideration of House joint resolution 339, or are we to take up Senate joint resolution 191?

Mr. POU. As I remember, the Senate resolution was made in order by the special rule, was substituted for the House resolution. Is that correct?

Mr. CAMPBELL of Kansas. The Senate resolution may be substituted for the House resolution.

Mr. GARD. The gentleman says it may be substituted. Is it the purpose to substitute it?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARD. I desire to inquire further if the resolution is to be read for amendment under the five-minute rule?

Mr. CAMPBELL of Kansas. Oh, yes; the House will resolve itself into the Committee of the Whole House for the consideration of the resolution.

Mr. SEARS. Mr. Speaker, will the gentleman yield?

Mr. POU. Yes.

Mr. SEARS. First stating that I am in hearty accord with my colleague from Kansas [Mr. CAMPBELL] along the line of economy, I would like to ask the gentleman a question. Is it not a fact that the gentleman from Kansas has been the chairman of this committee for more than a year, in fact, since last May, a year ago, and that these conditions have existed all during that time?

Mr. POUL. Of course I answer that in the affirmative.

Mr. SEARS. Is it not also a fact that during the last session of Congress when we were complaining of the number of employees, our Republican friends were in the majority in this House?

Mr. POUL. Certainly; that is true. Speaking for myself, however, I would rather approach a great subject like this from an entirely nonpartisan standpoint.

Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, the only part of this resolution, known as the Reavis resolution, to which I have objection is that part which gives carte blanche authority to the committee to employ assistants and to make expenditures to be charged to the House and the Senate. There ought to be some kind of limitation.

Mr. REAVIS. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. In a moment, I am with the gentleman from Nebraska and with every other man in this House on reorganization and simplifying of business and cutting out duplications, and effecting real, true economy in the affairs of government, but we can not escape our own individual responsibility. Every man in this House is responsible for the conditions that now exist in the Government. The two great parties represented in this House are equally responsible for the conditions which have existed and now exist in this Government. It is a well-known fact in the House and in Washington, although it is not known abroad in the United States, that a majority of the bureau chiefs in this Government are of the same political faith as the majority party now in this House. In other words, they are Republicans. And it is a well-known fact—here in the House but not known throughout the land—that since the war resolution was passed in April, 1917, the majority party now in this House then and ever since has had just as many Members here as the present minority, there being an equal number of Republicans and Democrats, we Democrats not having had a majority of the House since the war resolution was passed. We Democrats organized the House in the war Congress simply because we outgeneraled our Republican brothers. It is a well-known fact to the Members of the House but not known abroad that since May 19, 1919, the Republican Party has had a majority of nearly 50 Members here in the House of Representatives. This proposed committee, I hope, is going to effect some economies. From August 20 last until the 5th day of October I spent every single week day here in Washington diligently and carefully going through every single department of this Government, and if my fellow colleagues could have been with me, and if you could have seen what I saw in the various departments, you would think it was the business of every man in this Congress—not merely the business of a select committee of six—to see to it that reorganization is effected, waste, duplications, and idleness eliminated, and real economy established. Take, for instance, the matter of rent. Do you know that when I checked up the vacant office rooms in Government-owned buildings this summer—absolutely vacant, good office rooms, sufficient to house every single department of the Government—I was astounded to find that at that time the Shipping Board and Emergency Fleet Corporation alone were renting buildings here in Washington and Philadelphia for which they are paying \$558,279.40 a year?

It is the so-called small items that total up much of the gross waste and extravagance. It results from a failure to expend the necessary energy and effort to find out what is going on. As said before we now have ample available space in substantial, comfortable, Government-owned buildings in Washington to properly house every bureau and department, yet we are now paying out hundreds of thousands of dollars in rent to private concerns for leased buildings. It is doubtful whether any Republican Congressman or Senator knows or realizes this, for no moves or rehousings have been authorized, and no steps whatever have been taken by Congress to adjust the situation. Through diligent personal inspection and investigation I have checked up the office rooms that are vacant or available in Government-owned buildings, and the amount of rent the Government, through congressional authorization, is now paying to private concerns, and the following partial figures will illustrate the tremendous and inexcusable waste and extravagance:

AMOUNT OF RENTS CONGRESS IS PAYING IN WASHINGTON—CHECKED TO OCTOBER 1, 1920, FOR THE PRESENT FISCAL YEAR.

For the Department of Justice: \$36,000 for the building at 1001 Vermont Avenue, housing the department.

For the Department of Commerce: \$65,500 for the building at Nineteenth Street and Pennsylvania Avenue, housing the department; \$1,000 for the garage in the alley between Twenty-fourth and Twenty-fifth Streets NW.; and \$1,500 for the warehouse at Twenty-sixth and E Streets NW.

For the Department of Labor: \$24,000 for the building at 1722 G Street, housing the department.

For the Treasury Department: \$40,000 for the building at 1734 New York Avenue NW., used by Auditor for the War Department; \$2,400 for the building at Seventeenth and F Streets NW., used by Auditor for the Navy Department; \$49,500 for the building at 1324-1334 F Street NW., used by unit of Internal Revenue; \$40,000 for the building at 119 D Street NE., used by Register of the Treasury; \$2,150 for the building at 1709 New York Avenue NW., used for files, photograph gallery, and Supervising Architect; \$8,000 for the building at 920-922 E Street NW., used for storage and files; \$4,536 for use of ground only, storage, the last at Twelfth and E Streets SW.; \$27,206.64 for building at Fourteenth Street and New York Avenue NW., used by Farm Loan Board and Division of Loans and Currency.

For the War Department: \$22,500 for the building at 1800 E Street NW., used for Secretary's office, Insular Bureau, Militia Bureau, Coast and Field Artillery; \$1,200 for the building at 1518 L Street NW., garage purposes; \$2,925 for part of building at Fifteenth and H Streets NW., used by Chief of Engineers; \$7,000 for the building at 1514 Eckington Place, used for warehouse, Quartermaster Corps; \$12,000 for the Emery Building on B Street between First and Second, used by Quartermaster Corps; \$32,000 for the building at First and K Streets NE., used as warehouse; \$7,500 for two floors of building at 613 G Street NW., used by Quartermaster Corps; \$24,160 for warehouse at Fourth Street and South Avenue; \$9,707.10 for warehouse at 21 M Street; \$600 for corral and stable at Twentieth and C Streets NW.; \$5,880 for office and dispensary at 1106 Connecticut Avenue NW., used by Medical Department; \$6,000 for the Waggaman Building at 472 Louisiana Avenue, used by Medical Department; \$13,080 for six floors and basement, used by Medical Department at 462-464 Louisiana Avenue; \$2,400 for building at 458 Louisiana Avenue, used by Medical Department; \$50,000 for warehouse at lots 18-23 at 21 M Street NE., used by Medical Department; \$7,200 for Lemon Building at 1729 New York Avenue, used by Zone Finance; \$2,100 for building at 1710 Pennsylvania Avenue NW., used as laboratory by Signal Corps; \$5,000 for building at 136 K Street NE., used as supply depot by Air Service; \$4,800 for lot 25, square 128, at Nineteenth and C Streets NW., used by Depot Quartermaster; \$3,000 for buildings at 1702-1704 F Street NW., used by Depot Quartermaster; \$7,182 for one-story garage at 141 Q Street, used by Motor Transport Corps; \$8,000 for the building at Nineteenth and C Streets NW., on lot 24, square 128, used by the Motor Transport Corps as a garage, stable, and warehouse.

For the Department of the Interior: \$2,400 for the garage at 627-629 G Street NW., used for garage and storage; \$2,700 for the garage at 58 B Street SW., used by Bureau of Mines for fuel yard and garage; \$150 for the blacksmith shop at 236 First Street.

For the Department of Agriculture: \$35,360 for the building at 1358 B Street SW., used as office and laboratories; \$20,000 for the building at 220 Fourteenth Street SW., used as office and storage; \$22,800 for the building at 930 F Street, used for offices and storage; \$8,500 for the building at 601 Thirteenth Street NW., third floor only, used for offices; \$12,000 for the building at 710 E Street NW., used for offices and storage; \$16,000 for the building at 216 Thirteenth Street SW., used for offices and laboratories; \$9,500 for the building at 513-515 Fourteenth Street NW., used for offices and laboratories; \$4,800 for the building at 339-341 Pennsylvania Avenue NW., used for congressional seed distribution; \$4,000 for the building at 215 Thirteenth Street SW., used for offices, storage, and mailing; \$3,000 for the building at 1316 B Street SW., office of solicitor; \$3,000 for the building at 220 Thirteenth Street SW., offices and laboratory; \$3,000 for the building at 200 Fourteenth Street SW., offices, laboratory, and storage; \$2,700 for the building at 1350 B Street SW., used for offices; \$2,500 for the building at 1304 B Street SW., offices, laboratory, and storage; \$420 for room 638, Munsey Building, meat-inspection office; \$5,400 for the building at 221 Linworth Place SW., offices and laboratory; \$3,750 for the building at 220 Linworth Place SW., storage and supplies; \$1,200 for the storage warehouse on E between Eleventh and Twelfth Streets SW.; \$960 for the building at 212 Thirteenth Street SW., supply and storage; \$840 for the build-

ing at 216 Twelfth Street SW., storage; \$108 for the one-story stable rear of 217 Twelfth Street SW.; \$800 for the old warehouse at 929 Seventh Street SW., storage; \$500 for the storage building at 2511 M Street NW., storage; \$270 for the one-story shop building at 913 E Street NW., rear; \$420 for the portion of basement 920 F Street NW., storage; \$800 for the building at 215 Linworth Place SW., storage; \$84 for the garage in rear of 349 Pennsylvania Avenue NW., storage; \$1,000 for the building at 1312 B Street SW., offices; \$600 for building at 1369 C Street SW., offices and laboratory; \$1,200 for the garage in rear of 1806 E Street NW., garage; \$60 for the garage at 930 Baptist Alley NW., garage.

For the United States Tariff Commission: \$10,200 for the building at 1322 New York Avenue, offices for the commission.

For the Allen Property Custodian: \$30,000 for the building at 1424 Sixteenth Street NW., used for main offices; \$1,200 for the building at 1758 N Street NW., used for branch office.

For the United States Shipping Board and Emergency Fleet Corporation: \$51,261 for the building at 1319 F Street NW., used for offices; \$35,018.40 for the building at 1317 F Street NW., used for offices. In addition to the above rented buildings in Washington, the following are by it rented in Philadelphia: \$70,000 for the building at 329 South Broad Street, used for offices, but part subleased to other tenants; \$275,000 for building at 140 North Broad Street, used for offices, but part subleased to other tenants; \$95,000 for building at 921 Delaware Avenue, subleased to other tenants; \$32,000 for building at 253-255 North Broad Street, subleased to other tenants.

The Shipping Board and Emergency Fleet Corporation could be moved, lock, stock, and barrel, into the office space now available in the New Navy Building at B Street NW., and stop the rental of \$86,279.40 it is paying in Washington and stop the rental of \$472,000 it is paying in Philadelphia, thus saving over half a million dollars a year rental for this one department of the Government. The tenants now subleasing in Philadelphia could vacate, leaving the Government to pay all.

For the Post Office Department: \$19,000 for the building at Fifteenth and H Streets NW.; \$7,019.78 for the building at 1438 U Street NW.; \$2,500 for the building at 514 Eleventh Street NW.; \$2,000 for the building at 1716 Pennsylvania Avenue NW.; \$2,000 for the building on Park Road between Fourteenth and Fifteenth Streets NW.; \$600 for the building at Twelfth and Monroe Streets NE.; \$780 for the building at 6918 Fourth Street NW.; \$1,380 for the building at 2018 Nicholas Avenue SE.; \$900 for the building at 6 Dupont Circle NW.; \$1,380 for the building at 416 Seventh Street SW.; \$1,000 for the building at 701 Maryland Avenue; \$800 for the garage corner Thirty-first Street and Wisconsin Avenue; \$250 for the building corner of Connecticut and Florida Avenues; \$600 for the building at corner of Kirk and Lenox Streets.

Space will not permit me to enumerate the rental paid by the Navy Department and other Government bureaus, but the foregoing is sufficient to demonstrate the enormous sums that are appropriated by Congress to pay rent to private concerns for buildings in Washington, and the immediate necessity for proper readjustment by Congress. And it is the present Republican Congress with a majority of nearly 50 Republicans in the present House that made these appropriations.

AVAILABLE SPACE IN GOVERNMENT-OWNED BUILDINGS IN AUGUST 1920.

Now let me tell you about some of our available space in our own buildings. In the new twin structure covering blocks of ground, the Navy and Munitions Building, through all of the corridors of which is a distance of 24 miles, there is at least 80,000 square feet of space available in the Navy Building, and more than 75,000 square feet of space available in the Munitions Building. In addition to the above the enormous space devoted to public restaurants, for which the Government receives no rental, could be cut in half without causing inconvenience to diners. The Shipping Board and Emergency Fleet Corporation should have been moved into the Navy Building before Congress adjourned and stop the paying of \$553,279.40 rent by it here and Philadelphia.

In Tempo Building No. 1 at Eighteenth and D Streets NW., in August, 1920, the following office rooms were absolutely vacant: Nos. 1306, 1308, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1318, 1320, 1705, 2029, 2036, 2037, 2038, 2040, 2042, 2044, 2045, 2015-A, 2019-A, 2021-A, 2023-A, 2602, 2603, 2604, 2605, 2035-A, 2037-A, 2025-A, 2027-A, 2029-A, 2031-A, 2033-A, 2306, 2308, 2310, 2312, 2314, 2316, 2318, 2606, 2607, 2608, 2609, 2039-A, 2041-A, 2402, 2404, 2406, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2610, 2612, 2613, 2043-A, 2417, 2505, 2507, 2508, 2510, 2514, 2515, 2516, 2517, 2518, 2601, 2614, 2615, 2616, 2617, and 2618.

In August, 1920, in the new building at 2000 C Street NW., known as the War Trade Board Building, the following office

rooms were absolutely vacant: Nos. 1030-B, 1032-B, 1034-B, 1047-A, 1402, 1404, 1508, 1510, 1512, 1514, 1606, 1608, 1616, 1618, 1624, 1630, 1632, 1704, 1705, 1706, 1707, 1708, 1715, 1717, 1719, 1725, 1726, 1731, 1738, 1739, 2023-A, 2025-A, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2235, 2236, 2235, 2236, 2327, 2328, 2329, 2331, 2332, 2333, 2334, 2413, 2425, 2427, 2429, 2431, 2433, 2435, 2437, 2439, 2441, 2625, 2626, 2627, 2628, 2629, 2630, 2631, and 2632.

In August, 1920, in the new building at 1730 D Street NW., known as the Council of National Defense Building, the following office rooms were absolutely vacant: Nos. 2503, 2504, 2506, 2507, 2508, 2509, 2510, 2511, 2518, 2519, 2520, 2521, and 2522.

In the new building at Nineteenth and D Streets, known as Food No. 2; in the H. L. Pettus Building, known as Tempo No. 3; in the new building at 2000 D Street NW., known as Fuel No. 3; in the new building at 1800 Virginia Avenue NW., known as Tempo No. 6; in the new building at 1800 C Street NW., known as Fuel 1 and 2; and in the buildings mentioned in the preceding three paragraphs, through a proper transfer of bureaus and a proper destruction of hundreds of thousands of dead files of no value whatever, fully half of the space or more in each of these buildings would be made available for bureaus now housed in rented buildings. To illustrate the size of the new Tempo buildings above, the one occupied formerly by the United States Fuel Administration, known as Tempo No. 4, which is one of the smaller ones of the group, is 408 feet long by 240 feet wide, has a floor area of 140,000 square feet, and contains 425 offices.

In August, 1920, over half of the space in the three large war emergency buildings on the west side of Sixth Street, known as A, B, and C, each covering over a square block of ground with three stories, was vacant and available. While Building D, occupied by the Census Bureau, and Building E, occupied by The Adjutant General's Office, situated on the east side of Sixth Street, are now in use, yet by a proper destruction of thousands of dead files, through congressional direction, several hundred offices could thus be made available. This is likewise true with respect to F building in this group.

The magnificent new War Risk Insurance Building, 10 stories high, with double basement, fronting a full long block on Vermont Avenue NW., and almost a full block on I Street, through a proper readjustment would have much available space in it, notwithstanding complaints to the contrary. Col. R. G. Cholmeley-Jones, who is director of this bureau and who, by the way, is a strong Republican, is a splendid gentleman and has put some efficiency into the bureau, and yet for each of the several million service men he keeps three separate files on three separate floors with no system of filing correspondence. In July Mrs. Ethel Annie Lee, of 3830 Hueco Street, El Paso, Tex., returned to this department its check for \$15 because it should have been for \$30, and hearing nothing and receiving no further remittances due her, she wrote the department in August, and again in September without replies, and finally appealed to me. After searching the three files kept on three separate floors affecting her soldier-husband, aided by numerous clerks, we finally ascertained that the returned check had been received by the bureau; but not a single one of her letters could be found, demonstrating the necessity of keeping in one file in one place every document of the bureau affecting each service man. For after spending the whole afternoon searching the files on three floors in said large building, the director that night mailed to Mrs. Lee a warrant covering the amounts due her. Thus two-thirds of the enormous space now occupied by muddled triplicate files could be made available for other rent-paying bureaus.

Consider, for instance, the money this Congress is wasting in so-called liquor guarding.

At my request Prohibition Commissioner John F. Kramer had his Mr. J. M. Young make a careful survey of the number of warehouses and the amount of existing intoxicating liquors stored therein, as of date August 1, 1920, and he has certified to me that on August 1, 1920, there were in the United States 280 distillery bonded warehouses and 27 general bonded warehouses, which contained in storage the following: 48,380,687.3 gallons of whisky, 410,569.8 gallons of rum, 936,295.3 gallons of gin, 6,826.3 gallons of high wines, 871,356.6 gallons of alcohol, and 748,279.3 gallons of cologne spirits. In 23 special bonded warehouses there were 864,743.8 gallons of brandy, and in 46 industrial-alcohol bonded warehouses there were 3,230,687.42 gallons of alcohol.

These 376 warehouses have to be guarded by the Government day and night, requiring three shifts for each eight hours, or a total of 1,128 shifts of guards maintained, supported, and paid for out of the Treasury. It requires three hundred and seventy-six times as many guards to guard 376 warehouses as it would to guard only one. It is necessary that these guards be fear-

less, reliable men of strict integrity, for there is a constant effort being made to steal or unlawfully extract liquor. These 376 warehouses are a constant temptation to lawless bootleggers and thugs. Our guards must be bribeproof. The expense of guarding 376 warehouses is naturally three hundred and seventy-six times greater than guarding one. With 376 warehouses there are three hundred and seventy-six times as many chances of leakage. Congress must promptly require this liquor to be concentrated into one large Government warehouse and stop this one enormous item of expense.

Being a part of the Constitution of the United States, it is therefore now a part of the fundamental law of our land that intoxicating liquor can neither be manufactured nor sold. This law undoubtedly is a permanent one, for before it could be changed Congress by a two-thirds vote of both the House and Senate would have to submit its repeal to the States, and such repeal would have to be ratified by the legislatures of three-fourths of the States, a consummation practically impossible. Whether you are an anti or a pro, being a law-abiding citizen, you favor upholding our Constitution.

Would it not be economy and wise statesmanship for our Government to take over this liquor, paying the wholesale price of April 6, 1917, poison and destroy its possible use as a beverage, and then convert and dispose of it commercially as fuel?

I could go on mentioning other items, item after item of great big sums of duplication, of unnecessary waste and expense, not chargeable to any particular party, but chargeable to all of us because we permitted it to exist. The gentleman from Kansas spoke about the great number of unnecessary employees. I went through one of these buildings and saw a room which contained over 100 employees and not a single typewriter was clicking, but little bunches of young men and young women were standing in groups here and there laughing and talking.

I went to the supervising officer and said, "Do you permit this here?" He said, "What is it to you?" I said, "Just this: I am one of the atoms who help to appropriate the money that pays for all of this. Do you permit it?" Then he said:

What else can I do? Why, if I make a complaint I have got to put it in the form of charges, and I have got to let a trial be called, and before anything can be done I have got to substantiate those charges in a trial, and if I fail to do it—and it is almost impossible to do it, because when you get to a trial you will find enough witnesses coming in to back up almost every inefficient employee of this Government—instead of him or her going out of the service it will be my neck that is broken. I will be sent home because there are organizations here in Washington to protect the employees and go against any supervisor who will make a complaint.

Later I went to the Secretary of War and I said, "Mr. Secretary, I have an expert photographer employed. I want you to give me authority to let him go with me through several of your departments here and take some pictures I would like to preserve." He said, "What do you want to do with them?" I said, "Well, Mr. Secretary, to be frank with you, I want to be able to show Congress when it meets that you are not entitled to the extra number of employees for which you are asking. I want to show the fact, among many others, that out here in these corridors in front of your office and elsewhere in this building there are 15 to 20 negro porters and messengers doing nothing but laughing, talking, and smoking their fine cigars." He said, "Well, I can not let you do it." [Laughter.] "I can not let you do it." "Why?" "You are interfering with an executive department of the Government. Congress has nothing to do with the executive branch of the Government. Your function is to legislate; my function is to conduct this department." I said, "Mr. Secretary, you ask us to appropriate. Is it our duty, as you see it, just to appropriate the sum for which you ask?" He said, "Yes, sir; you ought to take my word for it and not seek to personally investigate behind what I ask for." "How are we to know whether the appropriations are proper or not?" He said, "You ought to take my word for it and let your committee attend to such matters." I said, "Oh, but, Mr. Secretary, you do not know what is going on; no one man can know all of it; you have not the time to go through all of the branches of your department, and all our committees get is what your bureau chiefs see fit to tell them. I want to find out what is going on, and ought to have the right to preserve the evidence of what I find here." "Oh, but I am not going to let you do it." I said, "Well, Mr. Secretary, that is all right; you do not have to let me do it; and I can not do it if you say 'No,' because somebody will stop my photographer, but I will tell you one thing you can not keep me from doing and which I am going to do. I am going through every department of this Government myself and see what is going on and I am going to report it to Congress. I am going to show just how many of these supervisors are going to these employees and telling them to make certain work last all day when it takes about five

minutes to do it." He said, "Mr. Blanton, that does not go on in my department." I said, "All right, Mr. Secretary, I will send for Miss Totten," and she came and I had her make her statement to the Secretary that astounded him as to what had been going on in his department. The great trouble with us Members of Congress is that we do not know enough about our own business. We have been taking the word directly of the heads of these departments, who in turn depend upon the statements of their bureau chiefs, and we depend upon them without knowing real conditions.

The SPEAKER. The time of the gentleman has expired.

Mr. LONGWORTH. Mr. Speaker, I ask that the gentleman may be permitted to continue his eulogy.

The SPEAKER. The time is controlled by the gentleman from Kansas and the gentleman from North Carolina.

Mr. BLANTON. I will ask for five additional minutes.

Mr. CAMPBELL of Kansas. I will yield the gentleman five minutes.

Mr. BLANTON. I am speaking from a nonpartisan standpoint. [Applause.] I am a Democrat. I love the Democratic Party of which I am a member, and I did just as much for my Democratic Party in the last election as any man in this House or in this country. I worked just as hard for it and I am here to submit that if we Democrats and we Republicans want to succeed finally instead of letting this kind of transaction go on in our Government we must go to the people and assure them that we are going to eliminate these wastes, idleness, and inefficiency in our Government business and give the people an efficient, economical Government. I am one Democrat who believes that if a Democratic official does wrong it is the duty of Democrats to stop it.

Do you know that one of your campaign managers, efficient, wise, able—the gentleman from Minnesota, Mr. Miller—went to the people of this country, from one side of it to the other, in his statement issued to the press, promising that if you Republicans were elected to this House and to the Senate and to the Presidency of the United States, you would see to it that the useless, idle, unnecessary employees of this Government were cut loose and sent home? You promised the people of the United States that very thing. He told you and the people then that you had 40,000 extra, unnecessary, idle employees here in Washington. He told you almost the truth, because you have almost that number here. He told you that you had nearly 200,000 useless, idle employees in the United States who would be cut loose from the pay roll without injuring the affairs and business of this Government. And the people believed him. And you Republicans repeated what he said on almost every hustling in the United States.

Now, the first thing your Rules Committee does when it comes back is to grant a rule, that I objected to the other day, for the consideration of this patent bill, not only to keep the employees that are on the roll now but to increase them by several hundred; not only to grant them a few little increases in wages, but to grant them increases in wages extending from \$600 to \$1,500 raises a year each. Is that keeping your promise to the people of this country? I want to discuss that question when the patent rule comes up, but I want to put you on notice now that you had better be careful about letting that patent bill be passed into law. I am one Democrat who is going to stand on this floor of the House unflinchingly and every time you Republican friends of mine fail to keep your election promises to the people I am going to call the attention of the people of this country to your failure.

You have got to keep your promises or you have got to stand the consequences of your failure. When are you going to begin on this economy? Are you going to just take it all out in appointing extra committees and spending the money on investigations? Or are you going to effect real, true economy? That is what the people want. That is what they expect from your promises. I am earnestly with you on it and am not partisan about it. I will work with you from 10, 14, to 18 hours a day, if necessary, to help effect it. Let us go together like American citizens, cut this waste, this duplication, and this extravagance out, and when we have a Secretary of War who violates the instructions of Congress by recruiting in peace time an Army of 280,000 men when Congress has told him that we did not want an Army of more than 180,000; when we have a Secretary of War like that, who wrongfully creates a deficiency of millions of dollars we must tell him where to head in. That is my idea of conducting the Government of this great country. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. Fess].

Mr. FESS. Mr. Speaker, the membership of this House, as well as the country, will appreciate the statement of the gentleman from Texas, and I think not only appreciate it but ought to enthusiastically welcome the exposition of a situation that all of us know exists, but too infrequently call attention to by specific facts. It is an easy matter to make these general charges, but when an individual makes investigation and then charges upon his own information, as was done, it is a real service to the country.

I can not let pass, however, the suggestion made in the last few minutes that the present majority is not respecting the promise that has been made to the country. In the first place, there are certain things that are in the minds of the majority here that will be immediately attended to. One of them that was promised to the country was that immediate steps would be taken to dismantle the war machine. The most specific step that could be taken at any time was taken at once and finished yesterday, when the order was to repeal these war laws and dismantle the war machine. By that single act, when it becomes effective, having received the indorsement of the Senate and of the White House, you will immediately see dismantled individual war organizations built up under specific war legislation and still existing because of facts that need not be repeated by me now.

Mr. BLACK. Will the gentleman yield?

Mr. FESS. I will yield to the gentleman from Texas.

Mr. BLACK. Will the gentleman in his remarks tell us what war activities are now in progress that will be discontinued after the approval of the law passed yesterday?

Mr. FESS. If the gentleman would please consult the printed pamphlet that was on the table yesterday, he will find all of the laws enumerated, with the organizations that were built up under them.

Mr. BLACK. If the gentleman will permit, I have some knowledge of the list, but what organizations are going to be dismantled by reason of the repeal of the law?

Mr. FESS. All the organizations under the laws that were repealed yesterday, so far as this House can do it.

Mr. BLACK. Does the gentleman have in mind—

Mr. FESS. The gentleman has in mind 87,000 employees now in Washington, many of whom will be discharged when these war agencies are discontinued.

Mr. BLACK. Will the gentleman kindly give us some department that will be discontinued?

Mr. FESS. The gentleman should consult the printed pamphlet and not take my time. The first step that was our obligation to take has been taken without any delay, and the gentleman knows it. And the one thing that ought to be accomplished here is that the Democrats did not resist that proposition.

The second step, which is a constructive one, is to put in operation as quickly as possible the budget system. That has been passed by this House. It is over in the Senate now. Whether the Senate will act upon it this session or not I do not know. I am not so sure that the modified budget bill ought to be immediately put in operation. I would much prefer the budget bill as passed by both Houses and vetoed by the President because he seemed to think he ought to have authority to audit his own books rather than make the auditor independent. I am not so sure that we ought to submit to that. [Applause.] Therefore, whether the Senate will pass this budget bill or not, I am not so much concerned about, but I know that if it does not it will be passed in record time when the special session comes. [Applause.] Then it will be passed as it was originally passed and as it ought to have been signed by the Executive and made a law.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. FESS. I will yield to the gentleman from Missouri.

Mr. CLARK of Missouri. Does not this resolution simply duplicate the work of the budget bill?

Mr. FESS. This resolution does not. I am glad my friend asked that question. The third step that we are now taking is to supplement, first, the dismantling of the war machine; secondly, to provide a budget bill.

This is to take up the question of duplication, multiplied duplication, plural overhead charge, for the things that ought to be done by one single department. A special report of a group of men who have been working upon this particular feature for some time was recently made public, and we have found that in the departments the special skill of the engineer, for example, was being utilized by 9 of the 10 executive departments of this Government, and these 9 of the 10 departments were employing 34 bureaus, and in addition to the 34 bureaus 4 independent agencies not under any one of the executive depart-

ments, which means for one kind of service there is a thirty-eightfold padded plural overhead drain upon the Treasury.

Now, that is the result of years of grasping, expanding of functions on the part of various departments, which are continually demanding something and then another department demanding the same thing. We not having the facts here in Congress, because we do not know of them, permitted the duplication. Under this process of expansion we have got that thirty-eightfold duplication on one particular line of activity, which is but representative of departmental expansion.

This particular proposal is not to duplicate the budget. The budget is an administrative agency. It is not a legislative functionary. This is a committee, not a commission, as has been stated here. This is a committee, a joint committee, made up of Members of the House and the Senate, with the right on the part of its members to sit in the two Houses. It is not a place made for persons who have gone out of Congress, to give them a place to remain here in Washington upon salary. It is to be limited in its personnel to Members of this House and Senate who have legislative positions here, and the proposal requires from time to time that a report be made to Congress, and the final report is not to be deferred beyond the meeting of the second regular session of the Sixty-seventh Congress.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Texas?

Mr. FESS. I yield to my friend from Texas.

Mr. GARNER. I do not think it is necessary to condemn this committee as to personnel, but what I am afraid of and what I think the gentleman should consider very thoroughly is this: That the budget system will be passed soon—if not at this session, then at the next session; and on that I congratulate the gentleman—and it will be passed and signed just as we originally passed it. It will make recommendations to Congress. Now, suppose it makes one and this commission makes another recommendation of opposite purport. What will be done? That is what I am afraid of.

Mr. FESS. The budget is a commission, with no status for legislation. It can make its recommendations, however, if it wants to, just like the Treasury Department.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 18 minutes remaining.

Mr. CAMPBELL of Kansas. I yield three minutes more to the gentleman from Ohio.

Mr. FESS. The commission has no legislative status.

Mr. GARNER. Neither has the budget.

Mr. FESS. I refer to the budget. That is what I mean. The budget commission has no legislative status. This committee, however, not a commission, has a legislative status, and as a committee it will present the matter from this floor, and present the matter as its own, and not as a matter brought down from an executive department.

Mr. GARNER. Now, I want to ask the gentleman—

Mr. FESS. Wait. This committee is authorized—a matter that my friend from Texas and the gentleman's colleague and mine [Mr. BLANTON] was objecting to—to make an expenditure in the employment of experts, to be authorized by Congress to sit with them, in order to find the facts, not from our standpoint, because we do not know, but from the standpoint of the research men; and among these research men may be the members of your budget commission. The budget commission will certainly be consulted constantly as to this work. But the budget commission is an independent functionary, and it will be compelled to hold its place, as we are going to insist upon these other executive departments holding their place; and that is why I want to see the audit placed under the control of Congress, and not under the control of the Executive, in order that we may hold them to their particular proper function.

Mr. GARNER. I will agree with the gentleman in reference to its not being either under the control of Congress or under the control of the departments. It ought to be absolutely independent. But here is a duty to be performed by an executive auditor and also by an independent auditor. Now, we are creating a commission for the purpose of ascertaining the exact thing provided for in the budget. This committee will make its recommendation. It may be exactly crosswise to what the auditor of the executive branches may recommend. What am I, then, to follow?

Mr. FESS. You are assuming what probably will not occur at all.

Mr. GARNER. It will be a duplication of work.

Mr. FESS. You are assuming that both are in the interest of the same thing. If such a thing does occur, the men who speak on this floor from this committee can very easily explain why it does occur, instead of having to depend upon some independent functionary that has no expression here. It can be explained directly from this committee.

Let me state again: There were three things clearly outstanding in the minds of the people of the country. One was the dismantling of the war machine. Another was the establishment of the budget system, a constructive measure in the interest of economy. We have gone a long distance toward doing that. The other is to take these steps, the most imperative, the most commanding, the most imminent, to cut out this duplication and save over a million dollars a day to the Treasury. That is what we propose to do by this pending proposition, and I hope every man will vote for it.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. FESS. Certainly.

Mr. MADDEN. I just wanted to say, in reply to the gentleman from Texas [Mr. GARNER], that this is intended to reorganize the departments to prevent duplication.

Mr. FESS. Precisely.

Mr. MADDEN. The budget reorganization is to assemble the facts in respect to the expenses of the Government. That is the difference.

Mr. FESS. I thank my friend, who has the greatest facility of any Member of Congress in stating the facts in a single sentence. I append a statement on this subject published in last Sunday's Public Ledger.

[From the Public Ledger, Philadelphia, Sunday morning, Dec. 5, 1920.]
CONGRESS TO APPLY AX TO WASTEFUL BUREAUS—REPRESENTATIVE FESS POINTS NEED OF BUDGET SYSTEM AND REORGANIZATION OF DEPARTMENTS TO ELIMINATE USELESS DUPLICATION OF ACTIVITIES.

(By SIMEON D. FESS, Representative, of Ohio.)

(Special telegram to Public Ledger.)

WASHINGTON, December 4.

Some years ago Senator Aldrich created a sensation by declaring that the Government could be run on a saving of at least \$1,000,000 a day if the administration of its affairs were placed upon a sound business basis, with due regard to economy. It was a Republican leader commenting upon the wastefulness of Government expenditures then under the control of his own party, which frees the remark from the charge of partisan bias.

The comment came from a source which compelled respect. It grew out of observations of congressional appropriations for departmental administration. It induced President Taft to appoint his bureau of efficiency, made up of experts, to investigate and report upon methods of reform. The report was voluminous, but up to date, unfortunately. Little, if anything, has come from it. Further investigation shows an incredible amount of overlapping of departmental activities and a vast reduplication of effort, which has gradually grown up under the habitual practices of bureau expansion. The law of every bureau is a constant enlargement of function and an inevitable widening of activities. Bureaus but a few years ago which consisted of small organizations have grown to be institutions of multiplied agencies, gradually becoming irresponsible, save to their own alleged needs.

DUPLICATION AND REDUPLICATION.

The Agricultural Department is a very good example. Created as a Cabinet department a little more than 30 years ago, it has continued to develop until a department of only a single division has now become an institution with hundreds of employees, demanding an annual appropriation of many millions and still on the increase. The last appropriation, including the roads item, reached \$113,067,553. This growth, as a rule, is not by transfer from other departments of specific activities. Many of the same activities were already in other departments, and the addition is but a duplication and reduplication, thus multiplying the agencies, enlarging the force, pluralizing the overhead drain, and vastly increasing the outlay without producing commensurate results in public service.

This enormous reduplication of departmental activities was brought to light about 18 months ago when a group of engineers representing the best engineering skill in America published an itemized statement of the decentralized condition of Government work requiring the skill of the engineer. They reported that 9 of the 10 executive departments employed the skill of the engineer for public works. These departments operated through 34 bureaus, not including 4 agencies not attached to any department. It might be said that overhead expenditure was employed 38 times to accomplish what should be under the direction of one department with but one overhead outlay.

EFFORTS TO CORRECT SITUATION.

While this may appear an extreme citation, it is but an extreme example of the undisputed situation in Government bureaus. Several months ago an effort, which had been the climax of years of agitation upon a limited scale, was put in motion to correct this bad situation as it affects the engineering problem of the Government by a bill introduced in the House by Mr. REAVIS, of Nebraska, and in the Senate by Mr. JONES, of Washington. The announced purpose was to insure sane economy in Government public works, rational efficiency, and the prevention of waste.

These results are achieved by placing all activities of one particular character under one head specially fitted to direct, and to whom services must be responsive, and under whom the organization may be made in accordance with the demands of the best standards of specialized functions. In this way lost motion can be avoided by requiring every agency to fit into the unity of the departmental work. This would avoid the common mistake of overemphasis of money demands by the departments, no one of which knows what the others are doing

along the same line. It would be a guaranty against the repetition of war-time buying, where an unlimited quantity of one class of articles are purchased for the use of a limited number of articles to which they were to be attached, as in the case of horses and harness.

ABUSES ALLOWED TO MULTIPLY.

Plural-headed agencies not only enlarge the money outlay to maintain the upkeep and care for the expense of the agency, which alone is a useless waste of vast proportions, but they inevitably produce an overproduction and a consequent overexpenditure, since the product is not composite with any regard for the minimum cost of the maximum output. These double-headed agencies divide responsibility in results and operate with little regard for holding expenditures to the actual Government needs. Instead of correcting these abuses we have allowed them to multiply by constant expansion of various departments in response to their representation of new demands for new and enlarged activities.

All the functional lines of Government work show this to be a chronic condition. No incentive to reduce or reorganize is displayed, but all to expand and reduplicate bureau activities; hence a similar service demanding the expenditure of public funds, performed in each of the several executive departments. This being true, each department seeks special appropriations with no information nor regard for what other departments demand for the same character of work.

APPROPRIATIONS FOR ENGINEERING WORK.

The special report previously referred to itemized the 1920 appropriations for construction or engineering work in each of the executive departments, as follows:

State Department	\$171,000
Treasury Department	31,355,206
War Department	\$9,790,075
Interior Department	29,277,214
Department of Justice	202,000
Department of Agriculture, including good roads	113,067,553
Department of Commerce	10,369,780
Department of Labor	175,000

Agencies not attached to executive departments.

Panama Canal	\$9,829,837
Commerce Commission	2,500,000
United States Shipping Board	356,000,000
United States Housing Corporation	2,068,970
State, War, and Navy Building	2,387,038

Making a grand total of one character of expenditures in nine departments, which would be centralized under one head, of \$647,210,560.

Economy under these conditions is not possible. Efficiency is out of the question. Waste is inevitable. They violate every precept of efficient administration. Bad government is assured under these conditions, as good government is rendered impossible. The constant bureau expansion by continual additions in response to new activities, which demand additional Government experts, present a hodgepodge, an uncoordinated structure, with neither efficient operation, unity in purpose, nor concerted service.

OBSERVED IN MANY LINES.

What has been revealed by the report of the engineers on duplication of Government work in a particular line will be observed in almost every character of service. As another example, almost every department undertakes some special line of work of an educational character and large appropriations are demanded for the same. The Bureau of Standards asks for appropriation to make special investigations of dyes, of coloring matter. This does not deter the Bureau of Chemistry, of the Agricultural Department, from making requests for increasing large amounts for the same purpose. If the request is allowed, a new activity is recognized, a new organization is effected, and once allowed no one will ever see the time that it will discontinue. When the Underwood bill crippled Louisiana sugar industry an appropriation was allowed for the development of some industry to compensate the loss. That was in 1913. For seven years the same appropriation is asked and allowed. It will doubtless continue indefinitely. Once a Government organization, always a Government organization.

This is the unchanging law. It accounts for the simple Government department becoming an entire institution of itself. It explains how a small appropriation quietly grows into millions. It explains why Government bureaus here in Washington employing 37,000 people in 1917 were employing over 130,000 in 1919, and still have nearly 90,000. It will throw some light upon the reported statement of the head of the Civil Service Commission that we can not reduce the roll here more than 5,000, which means we must maintain on the Federal pay roll more than twice the number we had only three years ago.

DRASTIC MEASURES REQUIRED.

Of course, this is folly and prostitution of service. The Government must and will employ drastic measures in the interest of a service which can be made more efficient by a reduction of the surplus employees. No man can avoid the overwhelming conviction that service is sacrificed by numbers of useless job holders, as well as public funds are wasted.

Congress can not safely rely upon the representations of bureau chiefs. They seem to act upon the theory that success is measured by the size of the pay roll. Congress is handicapped by an unacquaintance with the details, and consequently permitted these representations to be the guide, with the present situation as the inevitable result.

Congress will be called upon to deal drastically with any bureau chief who disregards limitations placed by Congress on appropriations. This is an easy matter which can be reached by inserting provision for summary action in the bills making the appropriation, which item can be made in order by the Rules Committee.

Steps must immediately be taken to completely reorganize the departments to eliminate the useless and wasteful duplication.

The budget system will be put in operation at the earliest moment, if not in the short session, then soon after the special session meets.

In the meantime the knife must be used upon war-time demands, and bureau chiefs must be held to strict accountability upon allowances fixed by Congress.

The short session must be devoted to the supply bills, which, under the aftermath of the war, will demand sharper scrutiny and longer time than usual. The early part of the Harding administration will doubtless be occupied in the work of readjustment, an important part of which is this needed reorganization of our bureaucratic system.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. GOOD].

The SPEAKER. The gentleman from Iowa is recognized for five minutes.

Mr. GOOD. Mr. Speaker, during the brief time allotted to me I only want to speak briefly in regard to the budget and to answer what was said by the gentleman from Ohio [Mr. Fess] regarding the postponing of that very important legislation. I realize the objections to passing budgetary legislation at this Congress, but I wonder if the gentleman has realized that Congress at this session will make appropriations for the Government for the fiscal year ending June 30, 1922? In the next Congress, when we meet, it will take at least two weeks to organize. A new committee on the budget would be appointed. It would be compelled to hold hearings and go into the matter, because there will be a great many new Members who will want to consider this matter and who will have a right to consider it. That will take another month. Then to get the machinery into operation and put the budget bill through the House will take considerable time. In the case of the last budget bill, notwithstanding the fact that both political parties four years before had promised budgetary legislation, after the bill passed the House and went to the Senate it lay in the Senate seven months without action, and it was not until the Committee on Appropriations brought back the budget bill as a part of the sundry civil bill that we got some action on the part of the Senate.

At present the persons who make up the budget commence work in April and May and do some work all during the summer, and unless the incoming President is permitted right at the start to create his budget staff he will not have the machinery with which to formulate a budget for the appropriations for the year ending June 30, 1923. In other words, the appropriations for the first two and a half years will be made in the old way.

Now, I want to submit this to the gentleman from Ohio [Mr. Fess], that if the present bill that the House passed and that is now pending in the Senate can be passed with an amendment, so that its provisions may be available on the 4th of March, 1921, that will permit the President to organize his budget staff immediately, and then Congress at its next session can immediately amend the law, which amendment only has to do with the removal of one of the officials. Then we will have a working organization. Then we can commence to save the money that the gentleman has talked about. If we fail to do that, the estimates for the year ending June 30, 1923, will be made in the same old way.

Mr. BARKLEY. Will the gentleman yield for a question?

Mr. GOOD. I yield to the gentleman from Kentucky.

Mr. BARKLEY. Did I understand the gentleman to mean by his first remark that budget legislation will not be enacted at this session?

Mr. GOOD. I hope it will be enacted at this session.

Mr. GARNER. Will the gentleman yield?

Mr. GOOD. I yield to the gentleman from Texas.

Mr. GARNER. Did I understand the gentleman to say that if passed in its present form, making it effective on the 4th of March, his side of the House would undertake to amend it later and make an independent auditor who would indeed be an independent auditor?

Mr. GOOD. I think so. I have not talked with very many Members, but I think that would be the desire of this side of the House. After the President vetoed the measure, I asked Mr. Collins, in the legislative reference library, to make a brief for me on the President's veto, saying that I would like to know what the law was with regard to the right of Congress to provide for the removal of inferior officers when the appointing power was vested in the President.

Mr. Collins has prepared a brief after considerable investigation. It is a splendid legal document, and I want to put it in the Record as a part of my remarks, because it justifies the position taken by this side of the House, and it is written by one who has no interest politically in the question. I ask, therefore, Mr. Speaker, leave to extend my remarks by printing this document.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

The document referred to is as follows:

CONSTITUTIONAL AND LEGAL PHASES OF THE PRESIDENT'S VETO OF THE BUDGET BILL.

On June 4, 1920, the President returned the budget and accounting bill to Congress with his veto. The President disapproved of section 303 of the bill, which provided, in part, that the comptroller general and the assistant comptroller general "may be removed at any time by concurrent resolution of Congress, after notice and hearing, when, in their judgment, the comptroller general or assistant comptroller general is incapacitated or inefficient or has been guilty of neglect of duty or of malfeasance in office or of felony or conduct involving moral

turpitude, and for no other cause and in no other manner, except by impeachment."

The President based his disapproval on the grounds, first, that the power of appointment of officers of the United States carried with it as an incident the power to remove, and that Congress was without constitutional power to limit the appointing power and its incidental power of removal derived from the Constitution; and, second, that Congress has no constitutional power to remove an officer of the United States from office by a concurrent resolution.

The constitutional provision relating to the appointing power of the President is found in paragraph 2, section 2, of Article II of the Constitution, which reads as follows:

"And he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments."

The Supreme Court has defined the term "officers of the United States" in the case of the United States v. Germaine (99 U. S., 509, 510). Mr. Justice Miller, in delivering the opinion of the court, said:

"The Constitution, for purposes of appointment, very clearly divides all of its officers into two classes. The primary class requires a nomination by the President and confirmation by the Senate. But foreseeing that when offices became numerous and sudden removals necessary this mode might be inconvenient, it was provided that in regard to officers inferior to those specially mentioned Congress might by law invest their appointment in the President alone, in the courts of law, or in the heads of departments. That all persons who can be said to hold an office under the Government about to be established under the Constitution were intended to be included within one or the other of these modes of appointment there can be but little doubt."

This doctrine was confirmed in United States v. Mouat (124 U. S., 307). Mr. Justice Miller again delivering the opinion of the court in the following language:

"What is necessary to constitute a person an officer of the United States in any of the various branches of its service has been very fully considered by this court in United States v. Germaine. In that case it was distinctly pointed out that under the Constitution of the United States all its officers were appointed by the President, by and with the consent of the Senate, or by a court of law or the head of a department, and the heads of the departments were defined in that opinion to be what are now called the members of the Cabinet. Unless a person in the service of the Government, therefore, holds his place by virtue of an appointment by the President or of one of the courts of justice or heads of departments authorized to make such an appointment, he is not, strictly speaking, an officer of the United States."

The comptroller general provided for in the budget bill is no doubt an officer of the United States within the intention of the Constitution. But to which class does he belong? Does he belong to the primary class which requires that he be appointed by the President, by and with the advice and consent of the Senate, coming under the category of "all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law," or is he one of the inferior officers of the United States whose appointment Congress may by law vest "in the President alone, in the courts of law, or in the heads of departments"?

The Constitution does not specifically define the term "inferior officers," nor has the Supreme Court formulated a definition. The nearest approach to a definition is in the Germaine case, cited above, in which the court said that inferior officers of the United States were those officers inferior to those specially mentioned in the Constitution as requiring nomination by the President and confirmation by the Senate. A distinguished authority on constitutional law, in discussion this question, says:

"The point has never been squarely passed upon by the court, since Congress has never attempted to regulate the appointment to any but distinctively subordinate and inferior positions. Should it attempt to determine by law the appointment of heads of the great departments, or even of the heads of bureaus and divisions and commissions, or even of important local officers, such as revenue officers or postmasters in the larger cities, the constitutionality of the law would undoubtedly be subjected to judicial examination." (Willoughby on the Constitution, Vol. II, pp. 1175-1176.)

Now, the comptroller general is designed to be a great officer of state, who is at the head of an independent establishment of the Government. He would hold office practically for life. The dignity, power, and influence of his office would perhaps be second to none of the appointed officers of the Government. In the ordinary meaning of the word it can not be said that he is "inferior" to consuls "and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law." (Constitution, Art. II, sec. 2.) In considering the comptroller general as an "inferior" officer of the United States it is necessary to give a technical meaning to the word "inferior" as used in the Constitution.

It was no doubt the intention of the House Select Committee on the Budget in drafting the bill that the comptroller general should be classed as an "inferior officer" under the Constitution. This is made evident by the fact that when the bill was sent back with the President's veto the committee brought in an amendment vesting the appointment of the comptroller general in the Supreme Court of the United States. (CONGRESSIONAL RECORD, 66th Cong., 2d sess., p. 8647.)

In fact, the President's veto message assumed that the comptroller general and his assistant would be regarded as inferior officers when he said: "It would have been within the constitutional power of Congress, in creating these offices, to have vested the power of appointment in the President alone, in the President, with the advice and consent of the Senate, or even in the head of a department."

In view of the fact that there are so few decisions of the Supreme Court on the question of appointments and removals, and none directly defining the respective powers of the President and Congress, the fact may be emphasized that Congress is in a stronger position with reference to the appointment and removal of inferior officers than with the officers of the primary class. Over the former they can control both the method and conditions of appointment and removal as they may see fit. If the President is given power by Congress to appoint such an officer, he receives this grant of power with the conditions and limitations upon which it is made. He has not the same inherent and constitutional rights relative to these offices that he has to those specifically provided for in the primary class in the Constitution.

The following extracts give a review of the opinions of the Supreme Court on the power of Congress to limit and condition the power of

removal of an officer of the United States, in so far as this court has considered the subject.

In *Ex parte Hennen* (13 Pet., 230) the court said:

"All offices the tenure of which is not fixed by the Constitution or limited by law must be held during good behavior, or (which is the same thing in contemplation of law) during the life of the incumbent, or must be held at the will and discretion of some department of the Government, and subject to removal at pleasure. In the absence of all constitutional provision, or statutory regulation, it would seem to be a sound and necessary rule to consider the power of removal as incident to the power of appointment" (p. 259).

The implication is clear that Congress has the power to limit or abolish the power of removal which inheres in the power to appoint. This case related to that of a clerk of a district court of the United States who had been removed by the judge. He comes, without doubt, within the class of "inferior" officers.

In *United States v. Perkins* (116 U. S., 483) the court said:

"Whether or not Congress can restrict the power of removal incident to the power of appointment of those officers who are appointed by the President, by and with the advice and consent of the Senate, under the authority of the Constitution, does not arise in this case and need not be considered.

"We have no doubt that when Congress, by law, vests the appointment of inferior officers in the heads of departments it may limit and restrict the power of removal as it deems best for the public interest. The constitutional authority in Congress to thus vest the appointment implies authority to limit, restrict, and regulate the removal by such laws as Congress may enact in relation to the officers so appointed.

"The head of a department has no constitutional prerogative of appointment to offices independently of the legislation of Congress, and by such legislation he must be governed, not only in making appointments but in all that is incident thereto."

Assuming that the comptroller general is an "inferior officer" of the United States, as was assumed in the President's veto, does not the same argument applied in this case to heads of departments apply also to the President? The President has no constitutional prerogatives of appointment to officers inferior to those in the primary class mentioned in the Constitution, independently of the legislation of Congress, and therefore so far as these officers are concerned he comes clearly within the rule laid down in this case.

In *Parsons v. United States* (167 U. S., 324) the facts were that the President had removed from office a district attorney before the expiration of the latter's four-year term of office, and the Senate confirmed the new appointee. Parsons contended that this action was illegal. The court took the view that this would leave impeachment as the only remedy, and further said:

"This could never have been the intention of Congress. On the contrary, we are satisfied that its intention in the repeal of the tenure of office section of the Revised Statutes was again to concede to the President the power of removal if taken away from him by the original tenure of office act, and by reason of the repeal to thereby enable him to remove an officer when, in his discretion, he regards it for the public good, although the term of office may have been limited by the words of the statute creating the office. This purpose is accomplished by the construction we give to section 769, while the other construction turns a statute meant to enlarge the power of the President into one circumscribing and limiting it more than it was under the law which was repealed for the very purpose of enlarging it" (p. 343).

Is there not here an implication that Congress has the power to limit the power of removal even as to those officers of the United States whose appointment must be confirmed by the Senate?

In *Reagan v. United States* (182 U. S., 419) the court in classifying United States commissioners, appointed under act of Congress by the United States Court for Indian Territory as "inferior" officers, said:

"The commissioners hold office neither for life nor for any specified time, and are within the rule which treats the power of removal as incident to the power of appointment, unless otherwise provided. The court also said that 'where causes of removal are specified by Constitution or statute, as also where the term of office is for a fixed period, notice and hearing are essential.' If there were not, the appointing power could remove at pleasure or for such causes as it deemed sufficient" (pp. 425, 426).

This rule that notice and hearing must be had before an officer can be removed for causes specified in the statute was confirmed in the case of *Shurtleff v. United States* (189 U. S., 311), in which were cited seven opinions of the State courts upholding this practice.

The most important case on this subject is that of *Shurtleff v. United States* (189 U. S., 311). *Shurtleff* held the office of general appraiser of merchandise, and although the statute specified certain causes for which he might be removed from office he was nevertheless removed from office by the President without reference to these causes. The court, among other things, said:

"We assume, for the purposes of this case only, that Congress could attach such conditions to the removal of an officer appointed under this statute as it might seem proper, and therefore that it could provide that the officer should only be removed for the causes stated, and for no other, and after notice and an opportunity for a hearing (p. 314).

"It can not now be doubted that in the absence of constitutional or statutory provision the President can by virtue of his general power of appointment remove an officer, even though appointed by and with the advice and consent of the Senate" (p. 315).

In referring to the opinion in the case of *Blake v. United States* (103 U. S., 227), in which, although there may have been some doubt, the power of the President to remove, under a certain act, was upheld, the court said:

"This indicated the tendency of the court to require explicit language to that effect before holding the power of the President to have been taken away by an act of Congress" (p. 315).

And further:

"The right of removal would exist if the statute had not contained a word upon the subject. It does not exist by virtue of the grant, but it inheres in the right to appoint, unless limited by Constitution or statute. It requires plain language to take it away" (p. 316). "The right of removal, as we have already remarked, would exist as inherent in the power of appointment unless taken away in plain and unambiguous language" (p. 318).

And where the statute specifies the causes of removal, "A removal for any of those causes can only be made after notice and an opportunity to defend" (p. 317).

The above-mentioned cases thoroughly establish the doctrine that Congress has the constitutional power to limit and condition the power

of removal from office of "inferior" officers of the United States even in those cases where the appointing power has been vested by Congress in the President. The President acquires no greater authority to remove than do the courts of law or the heads of departments. The power of removal is derivative only. The source of the grant is Congress. In Congress alone is there the inherent constitutional right to create the office, to authorize the appointment, to condition the appointment, and to provide the manner of removal. Assuming that the comptroller general and the assistant comptroller general are "inferior" officers of the United States, as no doubt Congress assumed and as the President assumed in his veto message, the President's contention that Congress could not limit his incidental right of removal of these officers is not well taken.

II.

The second phase of the President's veto raises the question whether Congress itself could by concurrent resolution remove the comptroller general and the assistant comptroller general from office. It would seem that there is nothing in the Constitution nor in the decisions of the Supreme Court to imply that Congress did not have this power as to "inferior" officers. The Supreme Court has fairly decided that Congress is in complete control of the conditions and methods of removal and there seems to be no reason why removal could not be made by Congress itself. The Constitution itself is silent on the question of removal. It does provide that each House of Congress may appoint and remove its own officers, but no provision is made for a joint officer or officers of Congress.

The question has been raised as to the effectiveness of this method of removal. It has been contended that a concurrent resolution of this character would have to be submitted to the President for his approval, and be subject to his veto. The Constitution says:

"Every order or resolution or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on the question of adjournment) shall be presented to the President of the United States, and before the same shall take effect shall be approved by him, or on being disapproved by him shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of the bill."

The Supreme Court has never had occasion to interpret this clause, but Congress itself has, as the data below will show, put its own interpretation upon it.

On February 20, 1896, the Senate directed its Committee on the Judiciary to report to the Senate "whether concurrent resolutions generally are required to be submitted to the President of the United States." On January 26, 1897, Senator David B. Hill, of New York, presented an exhaustive and learned report which is to-day the outstanding authoritative discussion of this problem. (S. Rept. 1335, 54th Cong., 2d sess.) His committee found that for over a hundred years it had been the settled practice of Congress not to present concurrent resolutions to the President.

"They have uniformly been regarded by all the departments of the Government as matters peculiarly within the province of Congress alone. They have never embraced legislative provisions proper, and hence have never been deemed to require Executive approval" (p. 6).

"This practical construction of the Constitution, thus acquiesced in for a century, must be deemed the true construction, with which no court will interfere." * * *

"It has been the uniform practice of Congress since the organization of the Government not to present concurrent resolutions to the President for his approval and to avoid incorporating in any such resolutions any matter of strict legislation requiring such presentation. As a matter of propriety and expediency it is believed to be wise to continue that course in the future" (p. 6).

"Whether concurrent resolutions are required to be submitted to the President must depend, not upon their mere form but upon the fact whether they contain matter which is properly to be regarded as legislative in its character and effect. If they do they must be presented for his approval; otherwise, they need not be. In other words, we hold that the clause in the Constitution which declares that every order, resolution, or vote must be presented to the President, to 'which the concurrence of the Senate and House of Representatives may be necessary,' refers to the necessity occasioned by the requirements of the other provisions of the Constitution, whereby every exercise of 'legislative powers' involves the concurrence of the two Houses; and every resolution not requiring such action, to wit, not involving the exercise of legislative powers, need not be presented to the President. In brief, the nature or substance of the resolution, and not its form, control the question of its disposition" (p. 8).

The committee took the point of view that the spirit rather than the letter of the Constitution should control. That certain actions could be taken by Congress in which the President had no concern and which did not involve a legislative act. The settled traditions of Congress extending over a period from the foundation of the Government to the present time would seem to be a controlling factor in the interpretation in this clause of the Constitution.

Congress has, however, never attempted to remove an officer by concurrent resolution. This is a new departure. Does such a removal partake of a legislative character? In other words would the concurrent resolution removing him be legislation and require the approval of the President? In that case the concurrent resolution would defeat its own purpose and the President by disapproving it might prevent the removal of the officer in question. Legislation implies either a new act of Congress, or the amendment or repeal of an existing act or acts. The concurrent resolution of removal would not come within these categories. The budget bill, if passed, with this provision would become basic law, requiring a certain method of removal, to wit, removal by concurrent resolution. When Congress in conformity to the provisions of this act passed the concurrent resolution of removal it would be simply complying with the administrative provisions of existing law. This would not be legislation at all and would come within the category of the traditional practice of Congress relative to concurrent resolutions.

The proper interpretation of this clause of the budget bill involves a careful consideration of the necessities of the occasion. It is an admitted fact that the Government is now called upon to spend through its executive agencies billions of dollars yearly out of the Public Treasury necessitating the imposition of high and burdensome taxes upon the people as a whole. It is also an admitted fact that the machinery for the examination, audit, control, and report on these expenditures fails to give an adequate protection to the taxpayer. Congress is creating a new office—the general accounting office of the United States—to be under the direction of a comptroller general who

shall be absolutely independent of the Executive and at the same time occupy a very close and intimate relationship to Congress itself. The purpose of this action is to provide an official who will be able without fear of Executive control or Executive removal to go into the executive departments where the money is being spent and to investigate and report his finding to the Congress. Congress is responsible to the people under the Constitution for the appropriation of all money from the Treasury.

The President has no proper concern either in the appointment or in the removal of this officer. The fact that he is appointed by the President in the budget bill is a concession to the constitutional necessities of the occasion. If Congress could constitutionally appoint such an officer he would be so appointed. But as to his removal it is absolutely vital that it should rest with Congress if this officer is to have any great independence to report what he finds. Congress should have the initiative in the removal. The concurrent resolution preceded by notice and hearing before the appropriate committee, as a method of removal appears to be justifiable both in fact and in law. If there are constitutional doubts they should be resolved in favor of Congress.

The fathers in making the Constitution were very zealous of the preservation of the legislative branch of the Government from encroachments by the Executive. They were careful to give Congress the fullest control over public finance. But they could not foresee these days of stupendous expenditures nor the modern methods necessary for their proper control. And, although the letter of the Constitution appears adverse to the establishment by Congress of an independent audit, yet the spirit is in favor of it. The idea embodied in this section of the budget bill is in harmony with the purposes and aims which the fathers had in mind in framing the financial clauses of the Constitution. They desired to protect the taxpayer from the irregular expenditures of public funds by the Executive. Looking beyond the form to the substance, the second phase of the President's veto rests also on an insecure foundation.

Rather than give the President the power to remove this officer it would be wiser to provide that he can be removed only by impeachment. This would put him in the same category as that of the judges. It would not, however, meet the needs of the occasion as would the removal by concurrent resolution. Civil officers can be impeached only for "treason, bribery, or other high crimes and misdemeanors" (Constitution, Article II, section 4). They can not be removed from office by this method for incapacity, inefficiency, and such other minor matters as might unfit a man for the practical affairs of a public office. Yet, on the whole, the service of this officer would be more effective if he could be removed only by impeachment than if he could be removed by the President. The President should not have the initiative in the removal even though stringent conditions were made in the act.

LIST OF CASES WHEREIN IS DISCUSSED THE POWER TO APPOINT AND REMOVE OFFICERS OF THE UNITED STATES.

Marbury v. Madison (1 Cranch., 137 (1803)). Appointment of a justice of the peace for the District of Columbia.
Ex Parte Hennen (13 Pet., 230 (1839)). Removal of a clerk of a circuit court.

United States v. Hortwell (6 Wall., 385 (1867)). Discusses meaning of "officers of the United States."

United States v. Germaine (99 U. S., 508 (1878)). Removal of a civil surgeon of the Pension Office.

Blake v. United States (103 U. S., 227 (1880)). Removal of an Army chaplain.

United States v. Perkins (116 U. S., 483 (1886)). Removal of a cadet engineer.

United States v. Monat (124 U. S., 303 (1888)). Removal of a paymaster's clerk in the Navy.

McAllister v. United States (141 U. S., 174 (1891)). Removal of a judge of the district court for the Territory of Alaska.

Parsons v. United States (167 U. S., 324 (1897)). Removal of a district attorney.

Reagan v. United States (182 U. S., 419 (1901)). Removal of a United States commissioner for Indian Territory.

Shurtleff v. United States (189 U. S., 311 (1903)). Removal of a general appraiser of merchandise.

By unanimous consent leave was granted to Mr. BLANTON and to Mr. FESS to extend their remarks in the RECORD.

Mr. CAMPBELL of Kansas. I yield eight minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. I yield five minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Speaker, in the discussion of this resolution my colleague from Texas [Mr. BLANTON] and the gentleman from Ohio [Mr. FESS] have made some very severe criticisms of the War Department because of its clerical personnel here in Washington. I think these gentlemen in their discussion might fairly have made comparisons between the number of clerical employees in the War Department at the time of the signing of the armistice and the number of clerical employees in that department at the present time.

I think one would fairly infer from the remarks that these gentlemen have made that there has been practically no reduction of clerical personnel in the War Department since the signing of the armistice, but that is very far from being the fact.

At the time the armistice was signed the War Department had here in the city of Washington 37,406 civilian employees. It has at the present time 10,298 civilian employees here in the city of Washington, which is a net reduction of more than 27,000 employees, or a net reduction of more than 72 per cent. An average of 1,100 civilian employees per month have been released from this department since the armistice was signed, about 24 months ago. I call that a very substantial reduction.

Now, if these gentlemen had wanted to be fair to the Secretary of War, why were these facts not stated? [Applause.]

Mr. BLANTON. Will the gentleman yield?

Mr. BARKLEY. Will the gentleman yield?

Mr. BLACK. I yield to the gentleman from Kentucky.

Mr. BARKLEY. Do these figures, for the time when the armistice was signed and the present, include those who are on the rolls strictly as clerks, or does it include officers doing clerical work?

Mr. BLACK. The chief clerk for the War Department just a while ago gave me these figures over the telephone, and the only designation that he made was civilian employees of the War Department, so that is all the answer that I can give the gentleman at the present time. I presume, however, that the figures do not include any Army officers doing clerical work.

Mr. BLANTON. Will my colleague yield?

Mr. BLACK. I yield to my colleague.

Mr. BLANTON. Does not my colleague from Texas know that the number of employees now in the War Department far exceeds the number employed prior to the war? And does he not further know that the Secretary of War in his new estimate is demanding not only that the ones we have taken from him be put back but that extra ones also be employed?

Mr. BLACK. The gentleman from Texas who is now addressing the House does know that there are now more civil-service employees in the War Department than there were before the war. He would not expect anything else, in view of the fact that only a short time ago an Army of 4,000,000 men was demobilized and a great many activities have been bequeathed to the War Department by the great World War through which we have just passed, many more than it had under its charge before the war broke out. [Applause.] It would be unreasonable to expect, and it would be impossible for the department to perform even if we did expect it, for these new duties to be performed efficiently with the same number of employees that it had before the World War, when we had but a handful of a standing Army and had not gone through the tremendous activities of a world war. My colleague well knows that the record of service of all those 4,000,000 men and the various facts attached to that service must be recorded and kept available, and are constantly being called for. The idea of any gentleman on the floor of the House expecting the War Department, with its multitude of new duties, to function with the same number of employees as before the war is ridiculous. [Applause.] If there are unnecessary employees, I should like to see them reduced, but we get nowhere with unfair criticism.

Mr. FESS. Will the gentleman yield?

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. POU. Mr. Speaker, such a strong case of extravagance and duplication has been made out that I venture to hope that this resolution will be adopted unanimously. I was present and heard the famous and much-quoted statement of the deceased Senator from Rhode Island, Mr. Aldrich, in which he declared his belief after many years of experience that at least \$300,000,000 could be saved if the Government were run on anything like elementary business principles.

Now we have the assurance of the gentleman from Ohio [Mr. FESS] that a million dollars a day could be saved. That is \$365,000,000 a year. This statement strongly corroborates the statement of the Senator from Rhode Island. Thus a plain case of waste, duplication, and extravagance has been made out. We can do nothing to-day more important than to pass this resolution, and I shall vote for it heartily, expressing here and now the hope that these gentlemen of the committee on reorganization, after their investigation, will be able to make good the promise and prediction of the gentleman from Ohio [Mr. FESS] that a million dollars every day can be saved. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the previous question on the adoption of the resolution.

The previous question was ordered.

The SPEAKER. The question is on the amendments.

The amendments were agreed to.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. REAVIS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of Senate joint resolution 191.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, with Mr. MADDEN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of Senate joint resolution 191, which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. J. Res. 191) to create a joint committee on the reorganization of the administrative branch of the Government.

Resolved, etc., That a joint committee is created, to be known as the Joint Committee on Reorganization, which shall consist of three Members of the Senate to be appointed by the President thereof, and three Members of the House of Representatives to be appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled in the same manner as the original appointments.

SEC. 2. That it shall be the duty of the joint committee on reorganization to make a survey of the administrative services of the Government for the purpose of securing all pertinent facts concerning their powers and duties, their distribution among the several executive departments, and their overlapping and duplication of authority; also to determine what redistribution of activities should be made among the several services, with a view to the proper correlation of the same, and what departmental regrouping of services should be made, so that each executive department shall embrace only services having close working relation with each other and ministering directly to the primary purpose for which the same are maintained and operated, to the end that there shall be achieved the largest possible measure of efficiency and economy in the conduct of Government business.

SEC. 3. That the committee shall, from time to time, report to both the Senate and the House of Representatives the results of its inquiries, together with its recommendations, and shall prepare and submit bills or resolutions having for their purpose the coordination of Government functions and their most efficient and economical conduct, and the final report of said committee shall be submitted not later than the second Monday in December, 1922. The committee is authorized to employ such assistance as it may require, at such compensation as the committee may determine to be just and reasonable, and to make such reasonable expenditures as may be necessary for the proper conduct of its work, such expenditures to be paid in equal parts from the contingent funds of the House of Representatives and the Senate, as from time to time may be duly authorized by resolutions of those bodies.

SEC. 4. That the officers and employees of all administrative services of the Government shall furnish to the committee such information regarding powers, duties, activities, organization, and methods of business as the committee may from time to time require, and the committee or any of its employees, when duly authorized by the committee, shall have access to and the right to examine any books, documents, papers, or records of any administrative service for the purpose of securing the information needed by the committee in the prosecution of its work.

Mr. GARD. Mr. Chairman, what is the provision as to the division of time?

The CHAIRMAN. Two hours of debate, divided equally between the proponents and the opponents.

Mr. REAVIS. The rule calls for a division of time between the proponents and the opponents of the resolution.

Mr. GARD. Does the gentleman from Nebraska appear in behalf of the gentleman from Minnesota, the chairman of the Judiciary Committee? The resolution was in the Judiciary Committee.

Mr. REAVIS. The rule discharged the Committee on the Judiciary and made this in order.

Mr. GARD. I am making inquiry as to division of time. Does the gentleman have control of the time on his side?

The CHAIRMAN. This debate is by unanimous consent. It is within the power of the Chair to recognize anybody opposed to it under the rule. The Chair recognizes the gentleman from Nebraska for one hour.

Mr. GARD. Mr. Chairman, I take it this committee is interested in the structure of the bill, and therefore I shall call attention of the committee to certain elements of the bill which, in my opinion, need consideration and possibly amendment. When this bill was before the House on the 3d of June, 1920, it was submitted under the proceedings of suspension of the rules, and under suspension of the rules it was, of course, impossible to suggest, let alone secure, any amendments. Upon the question of the bill being passed in the identical terms as submitted it failed of passage, and now it has come again under what I regret to say is, in the language of the gentleman who is the proponent of the bill, a request that there be no amendment to this bill. The bill comes from the Senate. My own position is, if the bill requires amendment we should put the amendment on, because, if it be a proper one, it can be very easily attended to at the other end of the Capitol and cause no confusion or delay in the final passage of the bill. That which I desire to call attention to is in reference to the language in the first paragraph. I am sure that the country, taking it by and large, is pretty well fed up on commissions. There seems to be no sentiment toward the creation of numerous commissions now who are to investigate and investigate and go along and have the investigation delayed and reports delayed and then submit a report which is filed, placed in the archives, and accumulates dust and spider webs and nobody reads it or pays any attention to it. But I am interested in having this committee a live committee, and therefore I take issue with the gentleman from Nebraska [Mr. REAVIS] as to what the language means in section 1 of this bill, when he says:

That a joint committee is created to be known as the joint committee on reorganization, which shall consist of three Members of the Senate to be appointed by the President thereof, and three Members of the House of Representatives to be appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled in the same manner as the original appointments.

It seems to me, based upon the precedents of this House and based upon the reasonable interpretation of language, that what might follow is this: One who is to be a member of this committee can not only be a Member of this House, assuming that appointments are to be made at this Congress or a Member of the next House, assuming that they will be made at that session of Congress, but there is nothing in this bill, either by direction or implication, which concludes the service of a member of this committee at the same time that his elective service in the House concludes. In other words, one may be appointed upon this joint committee from the House or from the Senate and sever his official term upon the 4th of next March and still be a member of this committee for the next two years.

Mr. REAVIS. Will the gentleman yield?

Mr. GARD. Very gladly. I am discussing it and would be glad to have the gentleman's opinion.

Mr. REAVIS. The language of the resolution fixes the eligibility of the service on this committee. One is that he is either a Member of the House or a Member of the Senate. Now, if he is a Member of the House at the time the Speaker appoints him he is eligible to service on this committee.

Mr. GARD. Yes.

Mr. REAVIS. When his term expires he no longer possesses that element of eligibility of a Member of the House.

Mr. GARD. He is not a Member of the House, no; but he is a member of the committee.

Mr. REAVIS. But the committee must be composed exclusively of Members of the House and Senate.

Mr. GARD. No; I do not read that; and I desire to call attention to what I have in mind, and I want to say frankly that I offer the suggestion for no purpose but to make certain that which the gentleman thinks he is accomplishing, to have a live committee of men who are in the House of Representatives and in the Senate of the United States.

I take it that he does not want to create a committee of which one member or two members in the next two years may not at this time, perhaps, have compensation, but through some method of direction or indirection will later be compensated for services on this committee when they are not Members of the Senate or House of Representatives.

Mr. REAVIS. Will the gentleman be good enough to yield for a moment?

Mr. GARD. Will the gentleman pardon me a moment, in order that I may read the suggestions, and then I will be very glad—in fact, I will welcome the gentleman's word and ideas on that which I suggest. I suggest that after line 9, at the end of the first paragraph, the following language:

If the elective term of any Member of the Senate or House of Representatives who shall have been appointed as a member of the joint committee to be known as the "joint committee on reorganization" shall expire, a vacancy shall be held to exist in said joint committee.

Mr. REAVIS. Of course, I would be opposed to any such amendment; in the first place, because it is unnecessary, and, in the next place, that is not the only method by which a term of service in the House can expire.

Mr. MANN of Illinois. Will the gentleman permit me to suggest that the elective term of all Members of this House expire at noon on the 4th of next March?

Mr. REAVIS. Then they would all go off of the committee.

Mr. GARD. They would not all go off.

Mr. REAVIS. All our terms expire on the 4th of March.

Mr. GARD. In this Congress.

Mr. REAVIS. Our terms as Congressmen expire and new terms begin. The elective term expires on the 4th of March. The severance of the Member might be by death or resignation, and there might be other methods.

Mr. CLARK of Missouri. Will the gentleman from Ohio yield?

Mr. GARD. Yes; I yield.

Mr. CLARK of Missouri. It seems to me, Mr. Chairman, that instead of the language suggested by the gentleman from Ohio, if you insert the language that these members of this committee are to be Members of the Sixty-sixth Congress and also of the Sixty-seventh you would fix the whole thing. It ought to be that way, too.

Mr. GARD. I have no objection, and I welcome the suggestion of the gentleman from Missouri [Mr. CLARK], who has had wide experience in these matters. It may be that my language is inadequate to express my purpose, but the purpose is that this committee be composed of persons who are Members of the Congress, Members of the Sixty-sixth Congress and Members of the Sixty-seventh Congress, because this committee will extend into the life of the Sixty-seventh Congress.

Mr. REAVIS. I will say to the gentleman that I heartily concur in that desire. My thought, still entertained, was that

under the language of this resolution the amendment is unnecessary.

Mr. GARD. I confess I do not agree with the gentleman that the language is unnecessary. I think that some language ought to be provided for by amendment to make it positive.

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. GARD. I will.

Mr. DAVIS of Tennessee. Will it not be better to provide that if a member of this committee shall cease to be a Member of the House or of the Senate he would thereupon automatically cease to be a member of the committee? The gentleman from Missouri [Mr. CLARK] suggested he should be a Member of both the Sixty-sixth and Sixty-seventh Congresses. He might be a Member of the Sixty-sixth and Sixty-seventh Congresses, but in the course of time cease to be a Member, by resignation or otherwise. It occurs to me it would meet every situation to provide that they should cease to be members of this committee when they cease to be Members of the House.

Mr. GARD. I am very glad to have the suggestion of the gentleman from Tennessee.

Mr. MANN of Illinois. As I understand the statement of the gentleman from Ohio, whoever goes on this committee should be a Member of the next Congress. Am I correct?

Mr. GARD. I did not hear the first part of the gentleman's statement.

Mr. MANN of Illinois. Whoever goes on this committee should be a Member of the next Congress?

Mr. GARD. Yes; I should say so.

Mr. MANN of Illinois. If the gentleman will pardon me, I really think there could not be a better minority appointment in this House in a matter of this sort, which will necessarily take very much of the time of members of the committee, than the gentleman from Ohio himself. I think it would be a rare, good appointment if he were put on this committee and allowed to serve in the next Congress. [Applause.]

Mr. GARD. I am very glad to have the commendation of the gentleman from Illinois, but the "gentleman from Ohio" will retire from most pleasant associations in this House very reluctantly, but voluntarily—that I intend to practice law and desire no appointment. But what I am trying to do is to get language that may express my idea, and language that is concurred in by the gentleman from Nebraska, to have this committee composed of live and living Members of this Congress and Congresses during which it shall serve. Therefore, I shall offer an amendment, possibly not in the language I originally referred to, since I realize that it contains certain elements which are subject to the objection to which the gentleman from Nebraska calls my attention, and to which the gentleman from Illinois [Mr. MANN] has likewise called attention.

Leaving that, which is a matter—

Mr. DENISON. Will the gentleman yield before he leaves that subject?

Mr. GARD. Yes.

Mr. DENISON. Of course, so far as this resolution is concerned, if it should be given that construction, a person who served on the committee and whose term would expire would receive no compensation, would he?

Mr. GARD. Well, it is indefinite. He would receive no compensation under the resolution as it now exists, but he should receive compensation, and possibly would receive compensation if an appropriation were made later for him.

Mr. DENISON. You mean that Congress could do it later on?

Mr. GARD. Yes. I mean if the committee were constituted and if a man were on the committee now who was not continuing as a Member of the next Congress, he could be compensated.

Mr. DENISON. But with the spirit of the Congress, which now seems to be emphasized to such an extent, does the gentleman think anyone would take the serious chance of going ahead and serving, in the hope that he at a later date would be compensated?

Mr. GARD. I do not think so myself, but I want to be sure about it, because, as I say, I do not view the country as growing toward the creation of more paid commissions. I think we have plenty of commissions. And the idea of this bill, as expressed by the gentleman from Nebraska, I concur in, that there are among the Members connected with this House persons who can render a very signal service upon this committee. But, of course, everybody must realize that if they do anything at all, there is a lot of hard work connected with this committee.

It is a big topic. The question of the reorganization of the administrative branch of the Government is a very large and comprehensive question, and while we are discussing it in the light of great prospective savings the committee will find that the discussion is much easier than any actuality may be. I am led to remember a matter of which certain gentlemen have spoken concerning the great savings that would be had after

this committee has made its report, in which reference has been made to the statement of the late Senator Aldrich, of Rhode Island, in which he said there could be a saving of \$300,000,000 a year, while the statement is made by the gentleman from Nebraska [Mr. REAVIS] that the present savings would be \$500,000,000. These are very large figures, but we have grown accustomed to large figures in our era of large appropriations. But I question very much whether these reductions will be the reductions finally arrived at.

The gentleman from Ohio [Mr. FESS] said a moment ago that the act of yesterday would practically demobilize the war machinery of the Government and render unnecessary many bureaus, many commissions, many departments, and also render unnecessary the employment of many men and women. This is another thing in which the immediate future will probably give better voice than the gentleman from Ohio, because I likewise have observed, even after the activities of war-time Washington in the last two years, since the signing of the armistice there have been reports here and there that a certain great number of employees were to be laid off; reports here and there that a great number in this or that bureau were to be dismissed; whereas if they have been dismissed they have got into another bureau by the simple process of somebody who has charge of that other bureau desiring to assimilate those who are leaving the first bureaus. So that I question whether there has been any substantial reduction.

Somebody, I believe, said the other day that there had been a reduction of 2,000 in the personnel of the clerks about here, but I question whether there has been any substantial reduction in the employments within the District of Columbia.

This resolution, too, must be considered in the light of what the House has done and in the light of what may occur under what we have done. Everyone will join in the hope that a Government economy may be made. It is not a partisan matter. It is a matter in which all persons who believe in the good of their Government are interested. They are interested patriotically and they are interested selfishly, since the matter of the payment of heavy Federal taxes is brought home to-day to every one of us. However, we did pass in this House a law concerning what was supposed to be an honest effort to reduce departments, to correlate departments, to get certain divisions doing the same kind of work together, so that expenses might be reduced in operation and in personnel, and we passed the so-called budget bill, in which—and I read section 209 of title 2—reference is made to the budget bureau, of which there is a director, and subsequent reference is made to the general accounting office, and it is provided that—

The bureau shall make a detailed study of the departments and establishments for the purpose of enabling the President to determine what changes (with a view of securing greater economy and efficiency in the conduct of the public service) should be made in (1) the existing organization, activities, and methods of business of such departments or establishments, (2) the appropriations therefor, (3) the assignment of particular activities to particular services, or (4) the regrouping of services. The results of such study shall be embodied in a report or reports to the President, who may transmit to Congress such report or reports or any part thereof with his recommendations on the matters covered thereby.

Clearly the intent of this, which is a part of the budget bill which the House has acted upon favorably, is to do precisely what the gentleman from Nebraska [Mr. REAVIS] has in mind. The distinction between them, he says, is that the budget is a bureau or a commission without legislative status, whereas this is a committee with legislative status. But I submit that that is rather begging the question, except upon the most technical of grounds, for, after all, the Members of the House will be guided both from the budget and from this committee, if this committee is created, by what they report, and the mere fact that persons on this committee have entrance to the floor and the privilege of speech and debate here is but a technicality in its favor.

Mr. FAIRFIELD. Mr. Chairman, will the gentleman yield?

Mr. GARD. In a moment. I think the entire situation intended, and frankly and honestly intended, to be accomplished by that which we passed in the budget and that of which the gentleman from Nebraska is the proponent to-day is the same.

Now, I yield to the gentleman from Indiana.

Mr. FAIRFIELD. In relation to what the gentleman has just stated about the difference in the status of one outside this body and one within, I will ask the gentleman whether he thinks the report of the congressional Commission on Reclassification of Salaries, which reported on March 12, 1920, is allowed to lie idle because of the fact that the men who were on that commission are not now Members of this House, neither have they been Members of the House during the time they were acting as members of the commission, and therefore they have no opportunity to urge their findings upon this body? Here is a report of over 800 pages by a special commission ap-

pointed in March of 1919, appointed by the then Speaker of the House, Mr. CLARK, and the report filed in March, 1920, and nothing done.

Mr. GARD. I should say that that is not the fault of the gentlemen who are on this Commission for the Reclassification of Salaries.

Mr. FAIRFIELD. Not at all.

Mr. GARD. Nor do I think it to be caused by the fact that they were not Members of the Sixty-sixth Congress. They were Members at the time they were appointed. They continued as members of the commission after they retired from the House. What the House then esteemed to be a small amount of work, since there were supposed to be very many utilities in the District of Columbia to give them information, developed into a very large bit of machinery, and there was extended investigation through this commission here in the District of Columbia, lasting for some 18 months, at least, I believe; I know they secured one extension. Nevertheless they made a very excellent and comprehensive investigation. It is embodied in the voluminous report which the gentleman has in his hand, and I suspect—and I say it not in criticism of the Members of the House—that there are very few Members of the House today who have read the report of the Commission on Reclassification. But I do not view the fact that these men are not Members of the House now to be responsible for that report not being now considered. These men did a very large work. They had plenty of assistance, and the members appointed by the Senate and those appointed by the House personally did a very large work.

So far as I know, all three of the senatorial members on that commission are still Members of the Senate of the United States and no effort has been made to bring it up over there, for what reason I do not know. But I do give credit to these men for having made a very comprehensive report, and that is the point I am trying to make, that no matter what seems to have been done, no matter what effort is made by commissions great or small, when a report is made by a commission it lies dormant. Nobody reads it except possibly a few very selfishly interested people, and comparatively little attention is paid to it.

Mr. FAIRFIELD. I agree with the gentleman that I think the report is not only very comprehensive but I think very valuable. I think the commission did its work effectively. I was surprised at the character and comprehensiveness of the report when I read it in part, and on inquiry I found that they had employed experts practically to do the effective clerical work. Will not that be necessary with any commission?

Mr. GARD. Absolutely. I will say that I am in entire agreement with the gentleman. Whether or not I agree with the findings and conclusions of the Committee on the Reclassification of Salaries of the District of Columbia, I do agree with the gentleman that they did a very excellent and valuable work in the matter of investigation and report. But, as the gentleman says, necessarily it was made in great part by persons who were employed by the committee. It would be the same with this committee. If you appoint three Members of the House here, it will be necessary to have actively associated with them—and the resolution calls for that—persons who can be of assistance to them, because if a man is going to be an active Member of this House and represent the country and his constituents it will be a physical impossibility for him in the face of the two years which this bill calls for in recognition of the great things which are to come before the next Congress—it will be a matter of physical impossibility for him to do both of these great tasks. In other words, necessarily it will have to be done by expert assistants, as the report on reclassification was done; and that is what is meant by the resolution where it says:

The committee is authorized to employ such assistance as it may require, at such compensation as the committee may determine to be just and reasonable, and to make such reasonable expenditures as may be necessary for the proper conduct of its work.

That is embodied in the resolution because it will be useless to create a committee and then tie its hands. If this committee is created and can not have efficiency experts, persons who can investigate, as the Reclassification Commission had persons who could investigate, then the thing will be entirely a matter of the individual opinion of the membership of the committee, and I do not believe its members will have sufficient time to give the attention they would like to give to the very great number of things made necessary by this resolution.

Mr. FAIRFIELD. If the gentleman will permit me further—

Mr. GARD. Certainly.

Mr. FAIRFIELD. I will say that I also read section 9 of the budget bill, and while the discussion of the rule was going on this morning I was very much surprised to hear the state-

ment that in no sense is this committee a duplication. It may be that I have not clearly in mind the meaning of section 9 which the gentleman has just read, but as I understand it that would be clearly a duplication of the work of this committee, and that committee is made an alternative upon the Budget Committee as a part of its duties.

Mr. GARD. It seems to me, with all deference to those who have spoken on the matter, that if it be not a duplication expressed in language it is a duplication in intent, because I am sure when we passed the so-called budget bill, containing section 209, which I have read, it was the idea that those who had charge of this bureau of the budget that they should do just what this language says, and that is that they should inquire into the different organizations and activities, with a view to learning whether their services could be put in any other form, or whether there could be such conclusion as a regrouping of services.

Now, I am glad to see here the gentleman from Ohio [Mr. FESS], because he spoke somewhat of that. The intent clearly in section 209 is the same legislative intent expressed as in Senate joint resolution 191, because when we consider Senate joint resolution 191, it has no further desire to express itself for the governmental benefit than that which is expressed in section 209 of the budget bill; and I am principally concerned, I believe, in the fact that not alone is there a duplication of intent but a positive duplication of facts, and that duplication of facts may be embarrassing to those who are in the Congress of the United States who desire guidance, because with the presence of the director of the bureau created in the so-called budget bill, and with the action of the general accounting office also created in that bill—with these two elements in operation, seeking exactly all of the things which are intended to be covered by Senate joint resolution 191, then we will have two systems of reports. We necessarily will have a system of reports from the bureau of the budget, since the very idea of the budget is not alone to see how much money is to be spent but by whom it is spent, and whether the departments that spend it are necessary or are unnecessary; in other words, whether there can be a regrouping of services. That is precisely what is intended to be established in Senate joint resolution 191.

If there be anything additional which is for the benefit of the country, I certainly would be glad to be advised of it, but so far I have not been, except that the gentleman from Ohio [Mr. FESS] and the gentleman from Nebraska [Mr. REAVIS] stated that there is legislative expression on this so-called committee. They differentiate between a commission such as has been created, or a budget, which is in effect a commission, and a committee which is supposed to be composed of persons having a voice in this House. I do not, for one, agree that the mere fact that one has the privilege of entrance and debate on this floor to be paramount to that there should be a conclusion of the budget law and a substitution of this joint committee on reorganization.

While I do not desire to stand in opposition to this measure if the Members of the House desire to pass it—and I realize that the honest sentiment of the House and of the country as well is in favor of economy—I do desire to call attention to the things to which I have called attention, and to make sure of the matter I spoke of on page 1, that this is a live committee of the Congress. Second, I wish to call attention at least—since that is about as much as one can do—to call attention to the fact that there is a clear duplication of intent in paragraph 209 of the budget law and Senate joint resolution 191. It was my purpose to call attention to this in order that those who may have better information than I may enlighten the committee of the House.

Mr. CLARK of Missouri. Will the gentleman yield for a question?

Mr. GARD. I will.

Mr. CLARK of Missouri. Does not the gentleman from Ohio think that the three Members of the House on this committee, if they are live Members, would have their whole time taken up with this task?

Mr. GARD. I do.

Mr. CLARK of Missouri. When the committee on reclassification was appointed I deliberately appointed three men who were going out of Congress, because I believed that the work would take their whole time for two years at least, and that is exactly what happened. I was criticized for it, but I do not care anything about that.

Mr. GARD. The judgment of the gentleman from Missouri was entirely correct. He had had large experience and he knew at the time the appointments were made that the commission would develop into what it did develop—a large investigating

body to which some of the men would have to give their whole time and attention. It developed that it extended 18 months beyond the time it was created.

Mr. CLARK of Missouri. The gentleman, I think, has overstated that. They were to report, according to my recollection, on the 1st of January, 1920, but they had not finished the investigation at that time and the House continued their activities until the 20th of March.

Mr. GARD. I do not recall the time they did serve, but they did a very good work.

Mr. CLARK of Missouri. These men that are going to be appointed on the committee now, if Members of the next House, will not be able to sit on the floor of the House on an average of two hours a day during the whole two years.

Mr. GARD. The work will have to be done by expert assistants, which the committee is authorized to employ, and, of course, that will create, as the country must know, the necessity of expending a great deal of money. I shall not be here, but were I here I should not object to that because if we create a committee we ought not to hamper it. If you have a committee, give it every facility to do the work. What I call attention to is I seriously question, under the authority we have already conferred in the House and the budget law, the wisdom of what I know will be a great public expense.

Mr. CLARK of Missouri. Is not that exactly what the budget was created for?

Mr. GARD. I so understood it.

Mr. BLANTON. Will the gentleman yield?

Mr. GARD. I will.

Mr. BLANTON. I want to call the gentleman's attention to the fact that if one member of the reclassification committee, the Member from Colorado, had devoted half as much time to the investigation of his commission as he did to making vicious personal attacks on Members of the House and Members of the Senate, both Democrats and Republicans, probably this 800-page report could have been reduced to 200 pages and could probably have been brought in 12 months sooner.

Mr. GARD. I do not agree with the gentleman from Texas. I am frank to say that I have made study of the report and I have some knowledge and observation, having looked into the matter from time to time to see what the commission was doing, and in my opinion no person on the commission rendered a higher or better degree of service, if as high, as the gentleman from Colorado, Mr. KEATING, to whom the gentleman from Texas refers. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman has used 40 minutes.

Mr. REAVIS. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Chairman, I am in favor of the resolution, but I think the discussion has disclosed that an amendment should be made. I think this committee will have more to do than three men of the House or three men of the Senate can do. I think the committee ought to consist of at least five Members of the House and five Members of the Senate, so that the committee can subdivide its work and each subdivision could carry on an investigation at the same time. Otherwise I think it will place too much work on the three members who are chosen. I intend to offer that as an amendment when we get to that point, unless the gentleman from Nebraska thinks it would endanger the passage of the resolution. I do not see why it should do so for I think the conferees could soon agree on that.

I do not think there is anything more important than to proceed along this line and appoint this committee for the purpose mentioned. Everyone who has served here very long must have observed the necessity of some sort of reform in the administration of the Government. Not only do Members of Congress become aware of this situation, but the people back home know, or are beginning to realize, that there is needed a reform along these lines. I was surprised during the recent campaign, when I had an opportunity to come in contact with the people, to find so many who are aware of the fact that our Government has become too expensive and that it takes too long and too much money to do what is to be done by the Government.

Mr. CONNALLY. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. CONNALLY. Is it the purpose at this time to prevent duplications and reduce expenses?

Mr. DENISON. Yes.

Mr. CONNALLY. Does the gentleman think a very good way to prevent duplication is by creating more duplication in the way of duplicating the efforts of the budget and adding a lot more employees to the pay roll?

Mr. DENISON. I do not think it will have that effect. I think it will aid and expedite the work instead of duplicating

it. I think also it is a very wise provision of the resolution that the committee is authorized from time to time to make reports to Congress and make recommendations for legislation. I do not think that it is going to be practical for this committee to make a complete investigation and then come in and make one big report and expect reforms that are to grow out of it to all be accomplished and realized at one time. If I understand the proposition, the matter will be treated logically by subjects, and the committee will proceed to make investigations along certain lines, upon certain subjects, to complete its investigations on that particular subject, and when it does so make a report to Congress. For instance, there should be a complete investigation of the subject of public works, to what extent there is duplication in that work. Then the subject of the public health is another matter that should receive the same treatment, and that subject should be exhausted and a report made to Congress with recommendations as soon as possible. I think we will get more practical results if the committee investigates along the line of subjects and completes its investigation of the particular subjects and then makes reports upon those particular subjects, with their recommendations.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. CARTER. Does not the gentleman think that the committee will find in looking up these duplications that necessarily it can not pursue an activity of the Government, but that these duplications will be so interwoven that the committee will have to take them all up at once. According to the gentleman from Kansas [Mr. CAMPBELL], we have from 41 to 46 different branches of the public health. There is one in the Indian Bureau. When the committee begins to investigate in the Indian Bureau the matter of public health, it will find that it is interwoven with the subject of Indian schools and other matters. I do not see how the investigation can be made on one subject. Necessarily the committee will have to carry the whole thing along together.

Mr. DENISON. I think the committee can summon representatives of the different departments of the Government before it and ascertain what bureaus and departments have public-health activities now under their control, and make a complete and exhaustive investigation of that subject, and then digest its investigation and make a concise, complete, comprehensive report to the Congress. Along that line permit me to say that in October of last year, 1919, I introduced a resolution in the House, and a similar resolution was also introduced in the Senate, providing for the appointment of a joint committee of the House and the Senate to do that very thing, to make a comprehensive investigation of the public-health activities of the Government and make a report to Congress of the results of its investigation. That resolution was introduced in the Senate by Senator FRANCE and was passed by the Senate. The matter went before the Committee on Rules of this House, and in the closing days of the last session it was passed over.

Mr. CARTER. It was lost in the shuffle.

Mr. DENISON. It was lost in the shuffle. My purpose in introducing that resolution was to begin this work by taking it up a subject at a time. The Smoot resolution was afterwards introduced at the other end of the Capitol and this resolution in the House. This resolution covers the same matter as my own, but also covers the other branches of the Government. In the judgment of the committee on this side of the House, it was thought that we should go ahead and act on the general, more comprehensive, resolution, and while investigating for the purpose of efficiency and economy in government to cover the whole subject.

It is true that nearly every department of the Government is carrying on activities connected with the public-health service. The Public Health Bureau itself is under the Treasury Department. It is interesting to study the history of the Public Health Service and learn how it developed into what it is today.

It grew originally out of the old Marine Hospital Service, which, of course, was under the Treasury Department. From the old Marine Hospital Service has developed what is now the Bureau of Public Health under the Treasury Department. Yet the Department of Agriculture is carrying on public health activities; the Bureau of Chemistry has supervision over the pure food and drugs act. The Department of Labor is carrying on very important public health activities through the Children's Bureau, and there are bills now pending in Congress calling for aggregate appropriations of about \$250,000,000 for the creation of bureaus and departments and divisions and public health activities of all kinds—40 or 50 different bills, along the lines of the Public Health Service, creating new activities and

extending those that already exist, not only overlapping and duplicating each other but encroaching upon legitimate State health activities and duplicating present existing State health activities.

Mr. SEARS. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. SEARS. The gentleman, I think, is correct when he says that the people back home are getting tired of these delays. Why should the committee wait until it has finally completed its work? Why not investigate one department and then make a report. It should not take two years.

Mr. DENISON. I think it should do that.

Mr. SEARS. Report immediately.

Mr. DENISON. That is what the resolution provides. I think that should be so. Our Government has for a long time been top-heavy and it is costing too much money to run the Government. We have too many employees here. If this investigation results in lessening the number of employees and economizing to a considerable extent, it will have accomplished a great deal.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. REAVIS. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. ANDREWS].

Mr. ANDREWS of Nebraska. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ANDREWS of Nebraska. Mr. Chairman and gentlemen of the committee, there are three lines of activities suggested in the debate to which we may call attention as we review the purposes of the resolution and the objects to be accomplished. First, the budget. I was very glad, indeed, to hear the gentleman from Ohio [Mr. Fess] express himself as he did with reference to the budget legislation. The amendment that is added to the bill that passed the House in the closing hours of the last session I think destroyed the major benefit that the bill would accomplish, viz, an independent audit. Without an independent audit the remainder of the bill and the purposes covered by it would be very largely weakened. The good results would be very largely reduced. I should regret very much to see the law enacted in such form as to leave the executive branch of the Government practically the auditor of its own accounts. The bill as originally passed safeguarded that provision fully.

The mode of appointment by the President and the power of removal left in the Congress destroyed all political power and removed every temptation with reference to appointment or removal. The Congress could have no inducement to make a removal in the hope of being able to make an appointment, because, under the law, the appointment was left with the President. If the President retains the power of removal you will have a wavering of the officers of the accounting system to the administrative authority and will. I could bring you to-day a number of examples, cite numerous instances where injury has followed in that particular, and I could cite one transaction involving \$106,000,000. I can not follow the details of that proposition at this point. I would like to see the bill pass as it stood in its original form, making an independent audit, as I regard it the chief feature of the system. It has been suggested that the budget bill carries in section 209 certain provisions which would create a duplication of work. Not necessarily. I believe that the two bills can work together for expedition and thoroughness. I believe that the committee contemplated by the resolution now under consideration would hasten this work, would bring it out in much more efficient form. We might spend the hours here in noting instances from the administrative side of the Government wherein a legislative committee could have a power that members or officers of the budget offices would not possess. Some of you have told us in debate that a large amount of work will be required here. So there will, and it will be drudgery; it will be the hardest kind of work, and many questions will be raised that can not and will not be settled at the outset with the entire satisfaction of members of the committee, but they can go a long distance toward correcting the difficulties. Now, if a large amount of work would be imposed upon the committee appointed under this resolution a large amount of extra work would be laid upon the officers and clerks in the accounting departments of the Government, and therefore take more of their time. You would be required to furnish to them all the skilled assistants that you furnish for this committee.

Now, if they are supposed to have all the work they can do as accounting officers and clerks, how are you going to have this work done along with the work that regularly belongs to them? It can not be done, so that eliminates, I think, the suggestion of duplication. Moreover, a legislative committee call-

ing to its assistance experts trained will be able to go into these questions more thoroughly than any committee from the administrative branch of the service will do. Some time ago, while I was in the Treasury Department, I took occasion to run over various reports that had been submitted by the committees on reorganization in the department, legislative committees, and so forth. I found that the most effective work that was done by any of the committees was a legislative committee supplied with trained service from the outside and bringing to its aid the services within the department. You would fail of this undertaking if you should rely entirely upon people from the outside of the Government service. Why? They have little knowledge of the laws of the Government under which these customs grew up and this business is being transacted. They will proceed as an accountant in a business house. Regardless of law they follow the method of accounting that they have learned outside the laws of the Government. When they come in contact with the law they may prescribe a form that will have to be set aside because of the provisions of the law. Right there is where you can call to your assistance as members of this legislative committee the comptroller general and the assistant comptroller general, and submit to them the question as to the existence of laws upon these various points and the bearing that specific statutes will have upon the methods proposed. With the accounting skill from the outside and the knowledge and skill within the department and the knowledge and practical service of the legislative committee you can cover all phases of this business. You can avoid duplication, you can cover all essential features of the proposition, and reach a conclusion that will be worth retaining and incorporating into law. There is one point where economies can be realized over and beyond this manner of avoiding duplication, and I am not sure that it furnishes the largest field for the reduction of expenses in the conduct of public business. It is the trained clerical force within the various offices of the departments. You can not overestimate that proposition.

I wish I had time to take up the details one by one in their line leading up to the point I have suggested. Only one brief citation. I remember very distinctly as I passed through my office one day I found a clerk who was reading over the fine print of a standard form of voucher. It was a waste of the young man's time. I went along, visited others, and came back to my desk, and I sent for that young man, and I asked him how much time he ordinarily spent in reading these printed standard forms. Well, he told me. I asked him how many vouchers he was accustomed to pass each day. He told me. "Well," I said, "these forms are standard. There are items 1, 2, 3, and 4 to be verified and checked. That is your business. The form is fixed in standard print. You settle the question as to whether there is an appropriation: First, has it been legally authorized; second, have the computations been made correctly, have the contracts been properly observed, and the voucher properly signed. Take these central items, check them off one by one. Now," I said, "you go back to your desk and to-morrow you follow that line, and the next day come in and tell me what you have done." To his surprise he found that he had more than doubled his work. The next day he came back and told me again about his progress.

Within a short time we had largely increased his commercial value as a clerk. With the aid of the trained service of clerks who had already learned the business, the educating and pruning process was continued with every new clerk that came into the service.

After nearly 18 years of mutual cooperation along these lines the office was able to handle the largely increased volume of business with the same number of clerks and employees—100—that were on the roll at the beginning. The work was more than doubled in efficiency and quantity.

It is grossly erroneous to assume that clerks chosen through the Civil Service Commission have any special merit for the discharge of official duties. The head of an office or bureau secures new clerks upon certification from the Civil Service Commission just as boys used to trade jackknives: "Unseen, unseen; no blade, no trade." In this instance, however, the officer is usually compelled to keep the clerk whether he has a Damascus blade or not. A certain amount of service must be furnished as an educating force in the various offices of a department to train those who are coming from time to time into the service of the Government. Vast reductions in the public expenses can be realized in this way. These statements suggest the fact that there is an important place for a bureau of efficiency.

AN INDEPENDENT AUDIT.

With an independent accounting system at command, the House committees on expenditures in the various departments can secure and tabulate an extensive fund of valuable informa-

tion that would be exceedingly helpful in the solution of the problems to be assigned to the proposed legislative committee. With the aid of an independent accounting system the House committees on expenditures in the various departments may become something more than mere ornaments.

The rules of the House outline a very important field for practical economy through the intelligent activities of such committees. These committees, through the aid of the officers and clerks in an independent accounting system, can prune the expenditures of every department of the Government so that all expenditures for duplicated service can be listed from the vouchers on which such payments are made. With the aid of such references the legislative committee could locate all such duplications, measure their scope, and ascertain the nature and, perchance, the reasons out of which such duplications originate.

Thus it will be observed that this legislative committee could utilize the knowledge and services, first, of an independent accounting system; and, second, the findings of the House committees on expenditures in the various departments; each can supplement the work of the others, and by means of such helpful cooperation they can undoubtedly render very helpful service in the line of practical economy.

The CHAIRMAN. The Clerk will read the resolution for amendment.

Mr. REAVIS. But all time has not expired.

The CHAIRMAN. The gentleman had 20 minutes.

Mr. REAVIS. Has the gentleman from Ohio any further speeches?

Mr. GARD. Yes; I have some Members who desire to speak briefly. I yield 10 minutes to the gentleman from Oklahoma [Mr. McKEOWN].

Mr. McKEOWN. Mr. Chairman and gentlemen, I do not want to delay the passage of this resolution. I think this proposition is a step forward in the way of furnishing an economical administration of the Government. The one thing that has attracted the attention of men who are interested in governmental affairs is the continuous increase of governmental functions by the National Government. In the past few years there has been a tendency to increase the functions of our National Government, and there are in the Nation many people who are contending that all the things that are to be done in the way of government should be done by the National Government. People for the last decade have been drifting to the idea that all of their needs and all of their wants can be supplied by the National Congress. That in a measure, in my judgment, has tended to increase these departments and the number of clerks in the departments, and therefore a gradual increase in their activities. An economical spirit never has prevailed in the Congress and in the departments at the same time. The heads of these departments do not suggest economical measures and retrenchments, because they have a pride in trying to extend the activities of their departments in order to become more popular and necessary to the people of the country.

For you to commence a policy of retrenching the activities of the National Government, the people of the United States must understand for once that the Government of the United States is not made to support the people, but that the people of the United States must support their own Government, then they would have some idea of the difficulties of the Congress of the United States. But we gentlemen, in order to be elected to office, are tempted sometimes to tell what wonderful things the Government ought to do for the people of the United States, without telling them some of the things they ought to do for the Government itself. If you appropriate money for the erection of a building, and that building should cost you \$20,000 more than it ought to cost, you have lost \$20,000, but you still have the building, but when you pay \$20,000 in salaries to clerks that you do not need you have nothing left. Your money is thrown away. It may just as well be cast into the fire. When you pay money for rent for quarters for departments that are not needed you are throwing your money away. And if this measure will do nothing more than call the attention of the Congress to the many duplications that are going on in the departments, it will give you some idea as to the necessary legislation in order to make the departments function properly and not deprive the people of the United States of the services of the Government.

Mr. REAVIS. Will the gentleman yield?

Mr. McKEOWN. I will.

Mr. REAVIS. In connection with what the gentleman stated, I wondered if he would be good enough to let me put in here the statement that when this war began we had something more than 300,000 department employees, and that to-day we have nearly 800,000?

Mr. McKEOWN. The trouble with that is this, that the departmental clerk who is promoted to where he has 100 clerks under him instead of 5 or 6 clerks, is loath to give up his place and return to the 4 or 5 clerks he had under him before the war.

Mr. REAVIS. I wish to say that I make that statement in no spirit of criticism against the department heads, but merely to show the necessity for some legislation at this time.

Mr. McKEOWN. I am not undertaking to unduly criticize the departments. They had to perform this service. The war brought on work that had to be performed. The thing I am complaining about is that Congress and the departments had not at the same time reached the same conclusion as to the manner of saving money. Now, gentlemen, that is not only true of the National Government, but it is true of our State governments. A governor of a State will be elected upon a platform of economy, and yet his legislature will run away with itself when it comes to appropriating money.

Under the extravagance that has been indulged in by our people during the times we were so prosperous the people did not feel the heavy burden of taxation as they do now, and it is time to begin to retrench the appropriations of the Congress.

Mr. LAYTON. If the gentleman will permit an interruption, does he not think that after all the basic trouble is in Congress itself in establishing what is very evidently a bureaucracy in the United States instead of a democracy?

Mr. McKEOWN. I want to say to the gentleman that the Congress can not escape its responsibility, but it is not all of the Government. The Congress is only a branch of the Government, and there must be a coordination or there must be cwork with the other departments, and you can not have efficient administration of this Government or an economical administration unless the administrative department acts in accord with the congressional department in trying to save the money of the country. And I want to say that we are not to go into an absolute, blind method of chopping off appropriations. A great many functions of this Government must go on or the people of the country will suffer. The people of the United States are entitled to the very best that this Government can afford them, and at the same time be the most economically administered possible. You can not administer a national government or a state government upon the same principles as a private corporation, and when men say you are going to administer it like you administer private affairs, they are mistaken, because necessarily a national government or a state government can not be operated upon the same means and measures as a private individual. You can take the department down here, and you will find men who are working hard to perform their duties, and you will find others who are loafing on the job. It is true not only in the departments but it is true to-day in many of the industries of the United States—a spirit that has grown out of this war somehow or somewhere. And, gentlemen, you may have your budget system, you may put all your appropriations in one committee, if you want to, but you will never have economical government by that means alone. You have to quit spending so much money before we can have economy, and the mere means by which you appropriate money will not of itself be an economical administration. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. REAVIS. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. FAIRFIELD].

Mr. FAIRFIELD. Mr. Chairman, I had first thought I welcomed this resolution. I sent for the bill creating the budget, read section 209, and wondered whether this resolution was not for duplication. I have listened very attentively to the discussions that have taken place. I remembered there was great promise from the reclassification of salaries in the District of Columbia, that a year was spent by a commission, a voluminous report made, and that many Members of the House are ignorant yet, not only as to the contents of the report, but as to whether any report has been made. I have been impressed very much by the fact that the men who have served here long years do not think that suddenly or by any specific method we shall be able to transform the Government of the United States into an efficient business organization such as is carried on by the great corporations of the country. However, I believe that, if ever, most of us need to exercise that rare and yet highest quality of the human mind—the quality of discrimination. Already in the debate there has been an attempt to prejudice a bill that is coming with regard to the Patent Office. It will not do for men to say that there shall be no increases in anything; that adequate appropriations will not be made for those things that are absolutely essential to the wise conduct of the Government.

A little further thought led me to the conclusion that a live committee, given the power which we seek to give this committee, and under the conditions that now confront the Government, with a pressure from the public and with the pressure in this House toward economy and reorganization, might become a very effective agent in securing the things that we desire. One is compelled to believe that no agency of government can be as efficiently carried on as a private business.

The country was startled by the assertion a few years ago that the expenses of Government could be reduced by at least \$300,000,000. The statement has been made to-day that they could be reduced by \$500,000,000. But in the very nature of things the governmental conduct of affairs is necessarily expensive. I have no Utopian ideas, and yet it does seem that the hundred thousand men and women in the District of Columbia in the various departments of the Government not only might be but ought to be quickly reduced.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. REAVIS. Mr. Chairman, I will ask the gentleman from Ohio to take some of his time. There will be but one further speech on this side.

Mr. GARD. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. CONNALLY].

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, I was very glad indeed to hear the gentleman from Indiana [Mr. FAIRFIELD] so frankly and freely express himself along the line of thought that this resolution will perhaps provide a duplication of effort to at least some of the activities of the budget plan. I am also glad to agree with the gentleman from Indiana in the theory that we must not indulge in too many Utopian dreams or in the idea that we ever succeed in conducting the Government of the United States as a private corporation would conduct its business, with the same efficiency and the same economy. No government on earth except an absolute autocracy will ever be able to conduct its affairs as efficiently and as economically as a private corporation. It is impracticable and unwise to vest in minor officials that discretion and that large authority which business men and captains of industry are able to exercise in the conduct of their own private affairs.

I want to call the attention of the committee to the fact that the scope of this resolution is almost a duplicate of section 209 of the budget bill. It is provided in section 209 that the budget bureau—

Shall make a detailed study of the departments and establishments for the purpose of enabling the President to determine what changes (with a view of securing greater economy and efficiency in the conduct of the public service) should be made in (1) the existing organization, activities, and methods of business of such departments or establishments; (2) the appropriations therefor; (3) the assignment of particular activities to particular services; or (4) the regrouping of services.

If gentlemen will consult section 2 of the present resolution they will find that in at least one instance the identical language contained in section 209 appears in section 2 of this resolution. I expect to vote for this resolution, but I wonder if the signs and symptoms which we have seen indicated here to-day do not forecast a lessening of the zeal of some Members of this House for the budget plan?

Now, if this resolution in fact provides for the duplication of a part of the budget plan it would seem to illustrate the evil which it is sought to destroy; and yet from expressions which we have heard from prominent gentlemen on the majority side of this House I wonder if it is in the minds of some of them that, on account of the pressure from chairmen of important committees who feel that the importance and power of their committees are to be lessened under the budget plan and a single appropriations committee, and under the pressure of members of those important committees, they are going to lose some of their zeal for the budget plan and may find in the adoption of this resolution justification for abandonment of the budget.

I hope not. I hope the budget plan will be adhered to. I happen to be a member of an appropriating committee, but notwithstanding that fact I was glad to vote for the budget, and I hope that the budget plan will be adopted and put into force. But it would not occasion surprise if these premonitory symptoms of weeping, these funeral signs, do not in fact forecast an early grave for the budget, which our friends on the majority side were so insistent in supporting a few months ago.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GARD. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLACK].

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. BLACK. Mr. Chairman, I intend to vote for this resolution, because I think it is a good policy for Congress to keep in touch with all sources and avenues of information as to departmental activities. I really think that we ought to keep in closer touch than we have done heretofore, because the responsibility of making these appropriations is ours. Therefore I voted for the budget plan and I shall vote for this resolution. Still, at the same time, it will not hurt for us to bear in mind that these Government activities which we propose to investigate and consolidate and coordinate these various bureaus that we hear criticized on the floor of the House from time to time, are not mushroom growths, but they exist by authority of law, laws which Congress itself has enacted. And many Members who indulge in criticism so freely voted for some of them.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. BLACK. In just one moment. I want to refer to a statement which occasioned the brief remarks that I now desire to make. The gentleman from Ohio [Mr. FESS] this afternoon, in a discussion of the rule to make this resolution in order, made some severe criticisms of the present administration for its extravagance and its failure to end certain war activities, and made severe criticism of the extravagant expenditures of different bureaus, and so on. Now, when I heard the gentleman's remarks I was forcibly reminded of the fact that at this moment quite a number of letters are on my desk asking me to support the Fess bill. The Fess bill, if adopted, will authorize an appropriation of several million dollars for the extension of the teaching of home economics. At the last session we had another Fess bill, at least the gentleman from Ohio was in charge of it on the floor of the House—the vocational industrial rehabilitation bill—which provides for certain Federal appropriations to be made and an increased bureau personnel here in Washington to administer the activities of the bureau, and it must be remembered that all of these new Federal activities cost money. If the question is asked why the expenses of the Federal Government are growing by leaps and bounds, there is the answer.

Mr. Chairman, only yesterday I received a resolution from a women's club in Texas asking me to support five different bills. I recall that among them was the Sheppard-Towner bill. I believe the Smith-Towner bill was another, which proposes to create a Federal department of education, with a Cabinet officer, and so on. And I know also that among the list was the Fess bill. And this good woman who sent me the resolution closed her letter by saying, "We do not want to get any letter back from you stating that you will give this your careful consideration and attention, but we want to know how you are going to vote on these bills." [Laughter.]

Mr. BLANTON. Mr. Chairman, will my colleague yield there?

Mr. BLACK. I yield.

Mr. BLANTON. Does not my colleague from Texas believe, concerning the Sheppard-Towner bill, that the Congress of the United States ought to do just as much for the good mothers and the little children as we have done for the cattle and the sheep and the hogs that we send to the slaughterhouse? [Applause.]

Mr. BLACK. I was not discussing the merits or demerits of any of these bills which I have just mentioned. It will be soon enough to do that when the bills come up in the House for legislative consideration. What I am now emphasizing is that there will not be brought about any economy in Federal expenditures as long as Congress continues to provide for new Federal activities. Indeed, there can not be. It occurs to me that the financial condition of the country is such that there must be the closest scrutiny of all these bills which involve additional expenditures of public money, and as one Member of Congress I intend to act in accordance with that belief.

The CHAIRMAN. The time of the gentleman from Texas has expired. All the time of the gentleman from Ohio [Mr. GARD] has expired.

Mr. REAVIS. Mr. Chairman, inasmuch as I think, without exception, all those who have spoken in the time allotted for opposition to the resolution have concluded with the statement that they favored and intend to vote for it, I will not take any further time. [Applause.]

The CHAIRMAN. The Clerk will read the joint resolution for amendment.

The Clerk read as follows:

Resolved, etc., That a joint committee is created, to be known as the joint committee on reorganization, which shall consist of three Members of the Senate, to be appointed by the President thereof, and three

Members of the House of Representatives, to be appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled in the same manner as the original appointments.

Mr. GARD. Mr. Chairman, I desire to offer an amendment. The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 1, line 7, after the word "thereof," strike out the period and insert a semicolon and the words "Provided, That if a member of such committee shall cease to be a Member of the Sixty-seventh Congress, he shall thereupon cease to be a member of said committee."

Mr. GARD. Mr. Chairman, this is the amendment concerning which I spoke during the time allotted to me during the debate preceding the reading of the bill. It has for its purpose that which the gentleman from Nebraska [Mr. REAVIS] says is his purpose, to insure that the membership of the committee shall be composed of Members of the House of Representatives, and in order that that may be sure during the life of the committee, as disclosed in section 3, I have incorporated the language which I submit in the amendment.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. GARD. Yes; I yield to the gentleman from Illinois.

Mr. CHINDBLOM. Does not the gentleman think that when the resolution states that the committee shall consist of three Members of the House of Representatives, if any member of the committee ceases to be a Member of the House of Representatives he will thereby cease to be eligible to membership on the committee?

Mr. GARD. We had quite a long discussion on that when the gentleman was, perhaps inadvertently, detained from the House.

Mr. CHINDBLOM. I remember the discussion, but does not the gentleman think the language of the resolution is sufficiently explicit?

Mr. GARD. I do not.

Mr. MANN of Illinois. Mr. Chairman, it may be that the committee would have more influence in the Sixty-seventh Congress if it were composed of Members of that Congress. I think if I had my way about it I would appoint on this committee a Member of this House who has had long service in this body, and who is as well acquainted with the various departments of the Government and their history as anyone in the United States. I would name as the minority member of the committee that man beloved by every Member here, CHAMP CLARK, of Missouri. [Applause.]

Everyone knows that the members of this committee will not do most of the important work that the committee is designed to do. A Member of Congress has a lot of work to do, and so far as my observation goes does not have very much superfluous time to learn for himself about all of the different services of the Government. I suppose there must be in some way or other more than a thousand of the different governmental services, and to understand any one of them requires a great deal of time. In the main this committee will select experienced and expert men under it to give advice and information to its members, and then the committee, wisely composed as it will be, will submit its recommendations to Congress. But, as a rule, the committee members themselves will not know about these different branches of the governmental service. In the very nature of things they can not know a great deal. The purpose of this, as I understand it, is to try to coordinate the various branches of the governmental service, to eliminate where elimination is possible, to unify where unification is possible, to coordinate where unification is not possible and elimination is not desirable but coordination is practicable.

The Government service is an evolution at all times. It grows up just as the practice in the House of Representatives grows up. There is not a man on earth who can study the rules of the House of Representatives and get any idea of the procedure of the House if all he knows about the procedure is what he can find by reading the rules. It is a good deal so about the governmental services.

I would like to make this remark: Several gentlemen have stated here that Senator Aldrich at one time said or intimated that a reorganization of the governmental departments would save \$300,000,000. Senator Aldrich never made that statement. What he intimated was that if he could run the Government he could save \$300,000,000; and if he had had the opportunity to save the \$300,000,000 the first thing he would have done would have been to cut off the large appropriations for the Army and the Navy. We can save a great deal more than \$300,000,000 if we have got the nerve to do that. [Applause.]

Mr. CARAWAY. I want to be recognized in opposition to the pending amendment. I do not care to argue the merits of the resolution, though I am heartily glad it has come before the

House and that it is going to be adopted. I am sure that millions and millions of dollars will be saved in the governmental expenses when this resolution shall have finally brought to the House the information which it is designed to elicit. But the amendment was to clarify the resolution so that no one except Members who are to continue in the House or the Senate shall be appointed. I think the resolution itself makes that absolutely certain that no other person could serve. It says:

That a joint committee is created, to be known as the joint committee on reorganization, which shall consist of three Members of the Senate to be appointed by the President thereof, and three Members of the House of Representatives to be appointed by the Speaker thereof.

Under that language some contend it would be a fulfillment of the requirements of this resolution if at the time of their appointment the members of the committee should be Members of their respective Houses, but that is not what the resolution says. It says, not that they shall be Members at the time when they shall be appointed, but that the committee shall consist of Members of the Senate and House of Representatives.

Mr. REAVIS. Will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. REAVIS. Membership in the House or Senate under this resolution constitutes the test of eligibility to this committee.

Mr. CARAWAY. Absolutely, because the committee would not consist of Representatives and Senators if the term of any member of the committee should expire or if for any reason he should cease to be a Member of his respective body. The committee must consist of Members of the House and Senate, not at the time when they shall be appointed, but the membership of the committee shall consist of three Representatives and three Senators. Therefore if for any reason anyone appointed upon this committee should cease to be a Member of his respective body, his eligibility would cease, and he would cease thereby to be a member of the committee. Therefore I hope the amendment will not be adopted.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 2. That it shall be the duty of the joint committee on reorganization to make a survey of the administrative services of the Government for the purpose of securing all pertinent facts concerning their powers and duties, their distribution among the several executive departments, and their overlapping and duplication of authority; also to determine what redistribution of activities should be made among the several services with a view to the proper correlation of the same, and what departmental regrouping of services should be made so that each executive department shall embrace only services having close working relation with each other and ministering directly to the primary purpose for which the same are maintained and operated, to the end that there shall be achieved the largest possible measure of efficiency and economy in the conduct of Government business.

Mr. FISHER. Mr. Chairman, I move to strike out the last word. A good deal has been said recently on the floor of the House about the reasons why the Secretary of War had caused to be enlisted a larger number of men in the Army than is provided for in the Army appropriation bill. It seems to me, in the spirit of fair play, that each Member of the House ought to have an opportunity to read his reasons why he thought it was his duty under his oath of office and under the law to enlist the number of men for the Army which he did, and therefore I ask unanimous consent to place in the Record a brief excerpt from his testimony before the Committee on Military Affairs.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The excerpt is as follows:

Secretary BAKER. * * * The Army reorganization act, with which we are dealing at this time, Mr. Chairman, is an entirely different piece of legislation from any that we have ever hitherto had. I need not recall to the members of this committee the fact that that bill differs in every material regard from the recommendations of the War Department and of the Secretary of War. My recommendation was for a very much larger force than 250,000, but the Congress in its wisdom saw fit to fix a very much smaller force. But it adopted language and imposed, as it seems to me, upon the Secretary of War conditions of a kind that had never hitherto been imposed on any Secretary of War. If you will permit me, I would like to call attention to a few of the instances in which this law differs from any we have ever had before and seems to me to express a positive and definite mandate from the Congress to an executive officer.

Section 1 of this act says:

"That the Army of the United States shall consist of the Regular Army, the National Guard while in the service of the United States, and the Organized Reserve, including the Officers' Reserve Corps and the Enlisted Reserve Corps."

Section 2 says:

"The Regular Army of the United States"—then there is this mandatory language—"shall consist of the Infantry, the Cavalry, the Field Artillery, the Coast Artillery Corps, the Air Service, the Corps of Engineers, the Signal Corps, which shall be designated as the combatant arms or the line of the Army." I will discuss that a little further in just a moment.

Section 3 starts out as follows: "The organized peace establishment, including the Regular Army," evidently as heretofore described, "the National Guard, and the Organized Reserves, shall include all of those divisions and military organizations necessary to form the basis for a complete and immediate mobilization for the national defense in the event of a national emergency declared by Congress."

If that means anything, it means that Congress has declared that the Regular Army as thus described, and which is developed in its detailed description later, shall be so organized and made up as to form a basis for a complete and immediate mobilization in the event of an emergency being declared by Congress.

As you go through this act and take up its later provisions you will find that Congress left no discretion to anybody as to what kind of an Army it wanted to have on hand in the event of there being a necessity for immediate mobilization. For the first time, so far as I know, in the history of military legislation Congress undertook to provide not only the exact strength of the corps of officers of the Army, but the exact strength of the several combatant arms. For instance, in section 12a the Chemical Warfare Service is treated in this language: "There is hereby created a Chemical Warfare Service. The Chemical Warfare Service shall consist of"—it is not may, but shall consist—"1 chief of the Chemical Warfare Service, with the rank of brigadier general; 100 officers in grades from colonel to second lieutenant, inclusive; and 1,200 enlisted men," a perfectly inelastic number.

In the next section, section 13, the same phrases are used, except as to its creation, in reference to the Signal Corps, which, of course, was a preexistent corps. But its personnel is stated in exact and inelastic phrases. It says that "the Signal Corps shall consist of 1 chief signal officer, with the rank of major general; 300 officers, in grades from colonel to second lieutenant, inclusive; and 5,000 enlisted men."

The act continues in a similar manner practically with all the combatant arms. The Air Service is dealt with in mandatory language and the number of enlisted men provided for is 16,000. The number provided for in the Infantry is 110,000 enlisted men, in the Cavalry 20,000 enlisted men, in the Field Artillery 37,000 enlisted men, and the aggregate of the enlisted men so provided for comes to about 280,000 men.

The CHAIRMAN. Now, Mr. Secretary, in the reorganization bill after the Spanish-American War, as I recall, the number of men required for a company was fixed in the law, and that was mandatory, too.

Secretary BAKER. Yes. The CHAIRMAN. But the Presidents, the Commanders in Chief of the Army, never saw fit to fill all of the branches, even though the total number of men was provided for in the law.

Secretary BAKER. I am not familiar with that legislation or that history, but this seems to me to be the fact, and it is upon this theory that I have interpreted my duties under this act.

When we went into the World War the newspapers and the public discussion of the country were filled with criticisms of Congress and of the various administrations, without reference to their political affiliations, for the lack of preparedness on the part of the country. * * * It seemed to me that Congress, in the light of the experience of the country in the World War, had determined quite definitely and within limits fixed that that opportunity for reproach should not exist either upon the Congress or the Executive, and therefore it undertook to fix the definite size of the Army. They had in view the disturbed state of the world at that time; they had in view the international relations of the United States; they had in view undoubtedly the fact that the National Guard of the several States had been demobilized and discharged from the service of both the Federal and State Governments, and that the only military forces in the country organized were those which were there provided for. I could not treat that, and I can not treat it as a mere gesture on the part of Congress. The country was informed that Congress had appropriated for the Army stipulated in this act, and in mandatory language, and I can not treat that as a gesture, and then, if some emergency arises for such an Army, have somebody say that the Secretary of War did not do what Congress told him to do.

The Clerk read as follows:

SEC. 3. That the committee shall, from time to time, report to both the Senate and the House of Representatives the results of its inquiries, together with its recommendations, and shall prepare and submit bills or resolutions having for their purpose the coordination of Government functions and their most efficient and economical conduct, and the final report of said committee shall be submitted not later than the second Monday in December, 1922. The committee is authorized to employ such assistance as it may require, at such compensation as the committee may determine to be just and reasonable, and to make such reasonable expenditures as may be necessary for the proper conduct of its work, such expenditures to be paid in equal parts from the contingent funds of the House of Representatives and the Senate, as from time to time may be duly authorized by resolutions of those bodies.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Nebraska if it is the intention that this committee shall report a bill to go on the calendar for action by the House. It says "shall prepare and submit bills or resolutions having for their purpose," and so forth. Is it intended that they shall report a bill which shall go on the calendar?

Mr. REAVIS. The thought I had in mind and one I have now is that there are a number of bills that have been introduced looking to do away with the duplication, overlapping, and coordination of different activities of the Government. My thought was that the entire legislation should be submitted to that committee and that the committee have the power to report bills to the House.

Mr. MANN of Illinois. You can not provide by law what the rules of the House of Representatives shall be.

Mr. REAVIS. That is unquestionably true. The gentleman will see in the resolution that it provides that the committee shall make recommendations. These recommendations might be that the Committee on Rules should report a rule making such a bill in order.

Mr. MANN of Illinois. They could make a recommendation, but they could not report a bill to the House under this resolution. All they could do would be to submit a bill in their report.

Mr. REAVIS. I realize perfectly that the gentleman from Illinois is correct. The thought I had in mind and the purpose I would like to accomplish is that if this committee spends the time, which I think it will, in the consideration of these matters, it should submit to the House a bill seeking to do away with the useless matters and might recommend to the House that the Committee on Rules make in order some such bill.

Mr. MANN of Illinois. Whatever recommendation they made would be referred to the appropriate committee of the House.

Mr. REAVIS. There is no question about that, and there is nothing in the resolution that would change it.

Mr. MANN of Illinois. That is my view of it.

Mr. REAVIS. And there is no intention of changing it. What I meant to say to the gentleman from Massachusetts was that I hoped there might be some arrangement whereby the committee being in possession of the facts better than any other party that there might be some arrangement made that they might report legislation.

Mr. MANN of Illinois. They can report the form of a bill as has been frequently done by these commissions, and then that bill is referred to the appropriate committee of the House. The gentleman will pardon me, but I think when the report from the regular committee comes before the House it would have greater support than it would if it came just from the committee of the six gentlemen on this committee, because then it would have the recommendation of the joint committee and also the recommendation of the committee of the House.

Mr. REAVIS. That is unquestionably true.

Mr. MANN of Illinois. I am hoping, like the gentleman from Nebraska, for results.

Mr. WALSH. Mr. Chairman, I had another inquiry I wished to propound to the gentleman from Nebraska. Ordinarily expenditures from the contingent fund of the House are made only after approval has been had by the chairman of the Committee on Accounts or the entire Committee on Accounts. Was it intended that this joint committee could draw upon the contingent fund of the House without the matter being referred to the chairman of the Committee on Accounts?

Mr. REAVIS. It was not intended by this resolution to permit the membership of the committee itself to violate any rule of the House. The purpose of the resolution is to give assurance to the House that no attempt would be made either to contract for or expend money without the matter having first the approval of the House. The details of the method are of no consequence. It, of course, will be done in the regular and ordinary way. The thought I had in mind was to assure the House that there would be no expenditure without the full knowledge and approval of the appropriate authorities of the House.

Mr. GARRETT. Mr. Chairman, I presume I have the right print in my hand and that the amendment to which I am about to call attention is in the correct print.

Mr. REAVIS. The gentleman is calling attention to the italics?

Mr. GARRETT. Yes.

Mr. REAVIS. I will say that the italics are in the House joint resolution. It is also in the Senate joint resolution, but not as an amendment. The House joint resolution was amended in that particular so as to be the counterpart of the Senate resolution.

Mr. GARRETT. Then that provision is in the Senate joint resolution.

Mr. REAVIS. Yes; but not as an amendment.

Mr. GARRETT. This provides that the committee shall report in December, 1922.

Mr. REAVIS. Not later than that.

Mr. GARRETT. I suppose the committee has given due consideration to that date; that it is not practicable for them to report earlier.

Mr. REAVIS. The date placed in the resolution, December, 1922, was not with the idea of suggesting the time of the report. It was put in to give ample opportunity to the committee to have time enough to consider the things submitted to them. My own judgment is that the report will come before that time, although that is merely an opinion that is practically worthless, with the slight information I have.

Mr. GARRETT. Having some appreciation of the tremendous amount of work this committee will have to do, I have an idea that it will probably not report earlier than it is required to by the resolution.

Mr. REAVIS. That is, its final report?

Mr. GARRETT. That is the usual experience, so far as my observation has extended, in respect to commissions. What caused me to call attention to it is this: I think it would be very desirable, if possible, to have a report earlier than that. That means that it will come at the short session of the Congress; that is to say, two years from now.

Based on our experience here, we know it is extremely dubious about getting as important legislation as will be recommended by that committee through at the short session of Congress. It seems to me, if it is at all possible, there should be a report in time to have that legislation ready so that the annual appropriation bills for the succeeding fiscal year can be adjusted to the situation. I do not know that I could improve upon the date. I am merely suggesting this for the gentleman's consideration.

Mr. REAVIS. The thought in the mind of both Senator Smoot and myself in the drawing of this was not to indicate by the language that the report should come in at the beginning of the short session. That date was put in there as marking the longest time that the committee could take under the resolution. I see the force of the gentleman's argument, and I think that would be very persuasive with the committee when it came to consider the proposition, and that if it were possible to make a report before that it certainly would do so, because I think we would be justified in taking it for granted that the men who are appointed on this committee, whoever they may be, will at least have some other activities in Congress they would like to attend to, and they certainly would not want to delay this. That would be my judgment—that they would not want to keep it in the hands of the committee any longer than is necessary. Unless the gentleman feels that the date should be changed, I hope very much that an amendment will not be made to it, because I am fearful that if we make any amendments to this resolution and it goes back to the Senate we may get the matter tangled up with the appropriation bills or something else and never get it passed. I do not mean by that that I would inveigh against any necessary amendment, but I hope it will not be deemed necessary.

Mr. GARRETT. I will say to the gentleman that I of course have not offered any amendment, and I am perfectly willing to follow the judgment of those who have given much more thought to it than I have had opportunity to give—that is, more study to its details—and who have better opportunity of knowing the amount of time that probably will be required to do this tremendous work. Of course, we can not be at all certain as to how long the first regular session of the Sixty-seventh Congress will be, and it would probably be impracticable to fix the date, say, as June, 1921, because that Congress might have concluded its work by that time, and unless it were a practical thing to fix it in 1921, in December, or January 1, 1922, or March 4, 1922, it would be perhaps as well to leave it as it is. If the gentleman does not think it would be a proper limitation to fix it any later than March 4, 1922, then I would have no basis on which to suggest an amendment.

Mr. REAVIS. I fear it would embarrass the passage of the resolution.

Mr. MANN of Illinois. Mr. Chairman, in my judgment—and I should think probably in the judgment of the gentleman from Tennessee [Mr. GARRETT]—there will be an extension of time in which to make this final report. I would guarantee that the final report will not be made by December, 1922, and that is no reflection upon the committee. The date here is an admonition to the committee, but if gentlemen suppose that you are going to change the methods and organizations of the Government by some sleight of hand trick—practices and organizations which have grown up in a century of time, and more recently very rapidly in a war period—and that this will be done overnight, then they have another guess coming. If this committee amounts to anything it will just get well started in the work by the time it has to make the final report, and if it is doing good work we will want to go ahead. I have no doubt that it will be doing good work. Meanwhile, it can bring in a preliminary report, or as many preliminary reports as it desires, and submit bills to Congress, or other recommendations for our action. The date comes in such a way that it would give this committee authority to make its report and have it signed after the usual summer vacation following the long session of the Congress. For one, I hope that a year from this coming summer we will be able to adjourn in July and let this committee finish up its work as far as it can during the vacation following, and give the members time to sign the report after they come back the first week in the new session.

I would like to make this inquiry of the gentleman from Nebraska, which I did not do before, but which probably has

already been answered. We have before us on our desks the House resolution as reported. We are considering the Senate resolution which is on the desk of the reading clerk. Are the two identical?

Mr. REAVIS. Absolutely. The House resolution is a verbatim copy of the Senate resolution, introduced by Senator Smoot. I made the copy myself after consultation with him. Subsequent to that time the Senate resolution was changed and the language in italics to be found in the copy of the House resolution, on page 2, was placed there by the House Judiciary Committee to conform to the language of the Senate resolution.

Mr. BANKHEAD. Mr. Chairman, I move to strike out the last word, to call the attention of the gentleman from Nebraska and also of the gentleman from Massachusetts [Mr. WALSH], who raised the question by inquiry, to the matter of the payment of the expenses to be incurred by this committee. I feel sure that it will not be the purpose of the committee when appointed, nor is it the purpose of the proponents of this resolution, to change any of the existing methods of taking money out of the contingent fund of the House, but if gentlemen will read this section as it is written and construe it technically, as legislative matters are usually construed, I think they will conclude that the resolution gives this committee authority to expend money directly, without submitting the matter to the Committee on Accounts. I think that is so for this reason, although I may be wrong. The resolution provides—

at such compensation as the committee may determine to be just and reasonable, and to make such reasonable expenditures as may be necessary for the proper conduct of its work.

The committee doubtless intended to say—as from time to time may be duly authorized by resolution of these bodies.

Mr. MANN of Illinois. I suggest that the gentleman read the rest of it.

Mr. BANKHEAD. But that is not what it says—

such expenditures to be paid in equal parts from the contingent funds of the House of Representatives and the Senate, as from time to time may be duly authorized by resolutions of those bodies.

Now, that refers to the contingent fund of the House and Senate as may from time to time be authorized by those two bodies.

Mr. REAVIS. Will the gentleman suggest to me how any money can be paid out of the contingent fund by this resolution except on a resolution from the House?

Mr. BANKHEAD. I do not know. The gentleman is giving here rather extraordinary powers to a new committee. It is, under construction, possible on an audit of the Treasury Department upon the voucher issued by the chairman of the committee. How can the gentleman say under the technical language employed in this resolution that that would not be a proper voucher?

Mr. REAVIS. Here is what the resolution says, and I again say it from the language of the resolution. It speaks of reasonable expenditures that the committee might incur, and the language of the resolution is:

Such expenditures to be paid in equal parts from the contingent funds of the House of Representatives and the Senate, as from time to time may be duly authorized by resolution of those bodies.

Mr. BANKHEAD. I understand.

Mr. REAVIS. In view of that language, how is it possible for this committee to make any expenditures from the contingent fund of the House except by the passage of a resolution?

Mr. BANKHEAD. My position is that the language as it appears in the phraseology of this resolution and by the ordinary terms of usage of construction refers more directly to the contingent funds of the House and Senate as may from time to time be authorized, and not to such expenditures as may from time to time be authorized.

Mr. REAVIS. The gentleman makes so close a construction I can not follow it.

Mr. BANKHEAD. I stated it might appear to be a technical construction possibly.

Mr. REAVIS. Will the gentleman let me take one line out of this?

Such expenditures to be paid from the contingent fund of the House of Representatives as from time to time may be duly authorized by resolution of that body.

How are you going to pay money out of the contingent fund without a resolution of that body?

Mr. BANKHEAD. It is not my purpose to offer any amendment to the resolution, because I respectfully defer to the gentleman in his wish to pass the joint resolution unamended. But inasmuch as the statement has been made that the language of the resolution does not change the rules of the House, I thought proper to call the attention of the committee to it.

Mr. ROGERS. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Nebraska a question if I may. There is no provision in the resolution I find for the subpoenaing of witnesses or the administration of oaths to witnesses?

Mr. REAVIS. No; there is nothing of that kind in the resolution. But there is general authority for the committee or its agents to make investigation of those departments.

Mr. ROGERS. Does not the gentleman think that such a committee might frequently find itself hampered in carrying on its work if they did not have authority to subpoena witnesses?

Mr. REAVIS. The thought in my mind was that if we ever reached the point where that was necessary, why, it is easy enough to obtain such authority.

Mr. ROGERS. On that viewpoint what is the objection to including it in the resolution now?

Mr. REAVIS. Well, my particular objection now is I do not consider it to be necessary, and my next objection is my desire not to amend this resolution for fear it will be lost in the shuffle that will so soon be inaugurated in the Senate.

Mr. ROGERS. The practical objection, I gather, outweighs the theoretical one.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. That the officers and employees of all administrative services of the Government shall furnish to the committee such information regarding powers, duties, activities, organization, and methods of business as the committee may from time to time require, and the committee, or any of its employees when duly authorized by the committee, shall have access to and the right to examine any books, documents, papers, or records of any administrative service for the purpose of securing the information needed by the committee in the prosecution of its work.

Mr. REAVIS. Mr. Chairman, I move that the committee do now rise and report the joint resolution to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration Senate joint resolution 191, had directed him to report the same back to the House without amendment, with the recommendation that the resolution do pass.

The joint resolution was ordered to be read a third time; was read the third time and passed.

On motion of Mr. REAVIS, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

Mr. REAVIS. Mr. Speaker, I move that House joint resolution No. 339 be laid on the table.

The motion was agreed to.

INCREASING FORCE AND SALARIES, PATENT OFFICE.

Mr. FESS. Mr. Speaker, I send to the Clerk's desk a privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 611.

Resolved, That immediately upon the adoption of this resolution the Committee of the Whole House on the state of the Union be, and the same is hereby, discharged from the consideration of the amendments of the Senate to the bill (H. R. 11984) entitled "An act to increase the force and salaries in the Patent Office, and for other purposes"; the said Senate amendments be, and the same are hereby, disagreed to by the House and the conference requested by the Senate agreed to.

Mr. FESS. Mr. Speaker, the status of this bill is as follows: The bill passed the House the latter part of the last session; went to the Senate, where it was amended several times.

Mr. GARRETT. Will the gentleman yield before he proceeds further?

Mr. FESS. I will yield.

Mr. GARRETT. Is it the purpose of the gentleman to yield some time to this side?

Mr. FESS. Yes.

Mr. GARRETT. He is not going to move the previous question?

Mr. FESS. No. It was amended in the Senate several times and came back, and the committee in charge asked to send it to conference. There was objection to it, however, and the Committee on Rules simply report a rule to send it to conference. If the gentleman from Tennessee wants some time, I will yield within my hour such time as he desires.

Mr. GARRETT. Mr. Speaker, I do not personally desire any time, nor do I know any member of the Committee on Rules who does. There is no opposition in the Committee on Rules to the resolution, but the gentleman from Texas [Mr. BLANTON] is opposed to the resolution and he desires some time to oppose it, and if the gentleman will yield to me—

Mr. FESS. I will yield to the gentleman from Tennessee to yield to the gentleman from Texas.

Mr. GARRETT. The gentleman from Texas desires 15 minutes.

Mr. FESS. Will not 10 minutes do?

Mr. BLANTON. This is quite a big bill.

Mr. FESS. I will yield 15 minutes to the gentleman from Texas.

Mr. BLANTON. Mr. Speaker and gentlemen of the House, when this bill was before the House for passage the following colloquy occurred between myself and the chairman in charge of it. In answer to my question, I read from the Record the following reply:

Mr. NOLAN. The Assistant Commissioner of Patents at the present time receives \$3,500. By the adoption of the amendment his salary is now increased \$1,500 a year. The five examiners in chief receive \$3,500, and the increase for them in this bill makes an increase of \$1,500 a year.

Mr. BLANTON. Then beginning with the chief clerk under the next section on down the raises have been relatively how much?

Mr. NOLAN. The chief clerk at the present time gets \$3,000 and he is raised \$1,000 to \$4,000. The law examiners get \$2,700 and they are raised to \$4,000 each, or \$1,250. The classification examiner receives at the present time \$3,600 and he is raised to \$4,200. The examiners in chief, \$3,500, and are raised to \$5,000. Those are the five examiners in chief provided in section 1.

Mr. BLANTON. So they approximate from \$1,000 to \$1,500 raise?

Mr. NOLAN. Yes. In some cases \$600.

There are 1,048 employees provided for in this bill in the Patent Office. That is quite a substantial increase in the number of employees in that bureau. The bill as it passed the House seeks to pay to the Commissioner of Patents \$6,000; to the first assistant, \$5,500; to another assistant, \$4,500; to 5 examiners, \$5,000 each; to 6 examiners, \$4,000 each; to 3 examiners, \$3,900 each; to 47 more examiners, \$3,900 each; to 40 assistant examiners, \$3,300 each; to 30 more assistant examiners, \$3,100 each; to 30 more assistant examiners, \$2,900 each; to 40 more assistant examiners, \$2,700 each. And so on down the line for the 1,048 proposed employees in this Patent Office.

I do not blame the gentleman from California [Mr. NOLAN], who is chairman of the committee in charge of this bill, for seeking to get every single cent he can for the employees of this Patent Office. They are brothers of his, affiliated in an organization where the oath says that "You have got to stand by the membership of the organization. When it comes to the interest of the organization, you must stand by your affiliated brother and do everything you can for him." The employees of this Patent Office are members of the employees' union, affiliated with the members of his union, the International Molders' Union, of which he has been an officer for 13 years. He holds his card in his pocket now, an honored officer of that organization. Through the American Federation of Labor they are brothers. I do not blame him. He is carrying out the oath of his brother union members in trying to get everything he can for them. But the question is for Congress to decide whether in the day of reconstruction, whether in the day when all of us have promised all the people that we are going to get back to normal conditions, whether in time when cotton has gone down from the war maximum of 46 cents a pound to 9 cents, and even some grades of it to 6 cents a pound—and can not be sold, and a market can not be found for it—at a time when wool has dropped from the war maximum of 72 cents a pound down to 15 cents, and the local warehouses of this country are bulging out with it, and it can not be sold for any price, though it means a whole year's income and livelihood for a lot of big-hearted American citizens who help clothe the 105,000,000 of the United States; at a time when you can buy mutton chops now even in Washington—and that is the highest place on God's green earth—for 30 cents a pound, while they used to cost you 60 cents; in this day of reconstruction, when all men must keep busy, and if they hold their jobs they have got to stop all this monkey business and go to work; in this day of reconstruction, when people are going to accept less salaries than they have been getting and work more hours a day than they have if they expect to earn a livelihood for themselves, wives, and children—at such a time is it proper to increase these salaries at from \$600 to \$1,500 increases each per year?

The distinguished gentleman from Virginia [Mr. MOORE] has told me of a noted jurist who sat on the circuit bench of Virginia for years as a distinguished jurist, trying men for their lives and trying property rights running into the millions of dollars, receiving how much salary? Sixteen hundred dollars a year. He could give that kind of distinguished service to his country for \$1,600 a year. Why, the distinguished gentleman from Missouri, Judge RUCKER, served in his State as a distinguished jurist, trying men for their

lives and trying property rights running up into the millions, and received \$2,000 a year for his service. You have governors in States, nine in number, that receive less than many employees in this bill are to receive. You are proposing to grant from \$600 to \$1,500 increases a year each. Are you going to do it? What is the power that is making you do it? What is causing you to do it? It is against your program. It is against your policy. It is against your preelection promises. What is causing you to do it? Is it because of the threats that have been put in the papers that even so great a man as our beloved friend, Congressman Esch, has been put out of Congress because he refused to obey orders? Is that influencing any of you, my friends? Is that influencing you? I want you to answer to your people, because they are going to make you do it. What is causing you to grant all these increases? Is it necessity? Why, the Patent Office is not overcrowded just now. You have been taking the reports during the war years. During the war, when the mind of every human being in America that was loyal was working overtime to try to find means to bring about a successful culmination of war, there were lots of patent applications reaching the Patent Office. They were coming from every part of the country. Why, lawyers, doctors, and preachers, even, and blacksmiths, and farmers, and merchants, and clerks were thinking about patenting something to help the Government. They were sending applications here, and your constituents and mine were doing this. The Patent Office was crowded. But the war is over, and that stopped. We have gotten back to normal so far as patent applications are concerned. Is it not better to let this bill lie in the pigeonhole and do nothing about it? I am appealing to you as good, honest representatives of the Government, with good, common business sense and judgment. Do you not think you ought in this day of reconstruction let this bill stay in the pigeonhole at least until your new President comes in, and you can find out what his policy is going to be, until you can find out whether he is going to keep your preelection promises to the people as to economy and yet grant them a fair living wage?

I am in favor of granting a living wage to everyone who earns it. I am in favor of making the blue sky the limit on wages in this country, provided the amount received is earned and value received is given for it.

I want to see all paid according to their earning capacity. I can fill every department of that Patent Office inside of 10 days or 2 weeks with able, efficient constituents from my district who would be glad to have their positions at the present salaries paid.

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Certainly; I yield.

Mr. HUDSPETH. If I understand my colleague correctly, he stated the object of this bill was to increase the pay of the Patent Office officials?

Mr. BLANTON. Yes; all the employees; all the way from \$600 to \$1,500 increases apiece.

Mr. HUDSPETH. I notice the salary of the Commissioner of Patents is cut from \$6,000 to \$5,000 in this bill. Is that correct?

Mr. BLANTON. In what bill?

Mr. HUDSPETH. The pending bill.

Mr. BLANTON. I am talking about the bill that passed the House. You have the bill as it passed the Senate, and it was the Senate that reduced the House proposal of \$6,000 to \$5,000. All my remarks have been concerning the bill as it passed the House, in which this House voted to give the Commissioner of Patents \$6,000, which was a raise of \$1,500 a year; and the object of sending this bill to conference is to try to impose upon the conferees the duty of holding out for the raises granted by the House. If that bill goes to conference, our conferees, I take it, will insist on obeying the instructions received from this House and insist on the bill as it passed the House, because that is the policy of all the conferees of this House, to carry out the will and instructions of the House. It is a question whether you are going to put this kind of legislation on just now, even if you should deem it advisable later. If so, what is the objection of extending the same increases to all the departments of the Government? Is not the scientist in the Department of Agriculture just as much entitled to a \$1,500 raise as the examiner in the Patent Office? If you pay them increases running up to \$1,500 a year, you should extend to the other employees of the Government the same kind of increase. Do you not think it is better to wait until these departments are reorganized? Do you not think it is better to wait until the budget commission gets to work, and until this special committee that we have just authorized by a vote of this House unanimously to-day gets to work? Do you not think it would be better to wait a while before we pass this legislation?

Mr. VENABLE. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. VENABLE. Assuming that what the gentleman says is true, what is the gentleman's concrete proposition? What does he propose to do about it?

Mr. BLANTON. I propose to let this bill die right where it is for the present session of Congress. Let us get our breath. Let our Government get its breath.

Mr. VENABLE. And refuse to send it to conference?

Mr. BLANTON. Yes. Let us do everything else that is necessary to kill it. Let it die a natural death. Let us see whether the action of the majority party in this House agrees with the expressions they have made on this floor. If those expressions are sincere—and I have no reason to believe otherwise—they will let this bill die, and I say that action ought to meet with the approval of the steering committee of this House. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. FESS. Mr. Speaker, I yield 10 minutes to the gentleman from Connecticut [Mr. MERRITT].

The SPEAKER. The gentleman from Connecticut is recognized for 10 minutes.

Mr. MERRITT. Mr. Speaker, I would remind the House that this bill was very fully discussed on its merits when it passed the House by a large majority. The distinguished gentleman from Texas [Mr. BLANTON] at that time made the same objection that he is making now. I do not believe that anyone, at least anyone in the House who knows me, would feel that I hold any brief for union labor, nor is it necessary for me to defend the gentleman from California [Mr. NOLAN], the able chairman of the Committee on Patents. But I must say that I think than any allegation to the effect that in forwarding this bill he is observing his oath as a union man is something which should not have been said upon this floor, because I believe that in forwarding this bill he is carrying out his oath to the United States of America. [Applause.]

I would remind the House of what was brought out when the bill was discussed on its merits, namely, that the Patent Office is an office of experts. I would remind them that the force in the Patent Office under any conditions has never been adequately paid. I would remind them that the patentees of this country, many of them and most of them poor men, have paid fees which have more than repaid the expenses of the Patent Office and returned a large surplus to the Treasury. I would remind them that the number of employees in the Patent Office has never been adequate to keep up with the current business, so that it has always been months behind, and in some important divisions of the office more than a year behind, which results in great damage, sometimes irreparable damage, to the patentees and applicants before the Patent Office.

Any Member of the House who attended the meeting of the Committee on Rules, by whose instrumentality this bill was first brought before the House, would have found there representatives of all the greatest industrial interests in this country, from the Atlantic to the Pacific, large interests, indicating the importance of this bill. That certainly was not an exclusive representation of the interest of labor unions. In fact, gentlemen, I do not want to use any harsh terms, but that allegation is simply absurd. All that those who advocate this bill wish is to get good service and efficient service in the Patent Office.

It was shown in the hearings that the examiners, who are men who have come in from the ranks and have learned the Patent Office and learned the workings of the Patent Office, are almost always hired when they go out by the great manufacturers and those whose business it is to deal with patents. In private employment their pay is several times the salary they are earning here. When the gentleman from Texas talks about the earning power of these men he will find that the good men in the Patent Office can always earn in private employment more than they can earn in the Patent Office.

Now, it is very essential, in getting good patents, to have good men who know the state of the art, and who can learn the state of the art from the records, and who will award good patents, which will not need litigation to establish them.

Those are the reasons why this bill should be put through. The matter was fully argued on the merits, and it seems to me from my knowledge of the case that there are no two sides to it. The salaries contained in the House bill are not extravagant. They are only necessary to get good men in the Patent Office. The Senate bill has cut down those salaries to a great extent, and the conferees will take into account both the bills and the present conditions of the Patent Office, and I am sure that any man who wants a good Patent Office and wants to

secure a good service to the United States and the patentees of this country will support this rule. [Applause.]

Mr. FESS. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. DAVIS], a member of the Committee on Patents.

The SPEAKER. The gentleman from Tennessee is recognized for 10 minutes.

Mr. DAVIS of Tennessee. Mr. Speaker and gentlemen, I had not intended to speak upon this resolution, but in view of some of the statements made by the gentleman from Texas [Mr. BLANTON], as a member of the Committee on Patents I deem it proper that I should say something in addition to what was said by the gentleman from Connecticut [Mr. MERRITT]. In the first place the Committee on Patents of the House held extensive hearings upon this bill, embodied in a record of over 300 pages. They went into the question thoroughly and conscientiously, and after doing so unanimously reported out this bill.

There was not a member of the committee opposed to it. Then after a full discussion of the bill in the House, as has already been stated by the gentleman from Connecticut [Mr. MERRITT], it passed by an almost unanimous vote. As I recall there were only eight votes cast against the bill in the House at the time of its passage. Now it is simply proposed to send the bill to conference, and of course it will come out later for final action if the conferees agree.

The bill contains several important provisions besides those dealing with the increase of salaries and personnel. I am for economy, and I am never in favor of increasing governmental salaries as a charitable proposition or as a favor to the employees. I do not think it is justified except from the standpoint of the interests of the Government and of the people whom the Government represents, but I am fully convinced, as were the other members of the committee, that we have such a justification in this bill.

The pay of the employees of the Patent Office has been increased only 10 per cent in 72 years. In 1848 the pay of primary examiners was fixed at \$2,500 per annum, which at that time was the pay received by Members of the House of Representatives. Considering that the requirements of these places were so exacting, and desiring to procure a high class of examiners, Congress fixed the pay of primary examiners in the Patent Office at the same sum which the Members themselves were receiving. Since that time, as I have stated, the pay of examiners has been increased only 10 per cent. The result is that there is such a turnover in the department that it is not doing the work that it should do, and that the country rightly expects it to do. The records show that at least 25 per cent of the employees of the Patent Office resign every year, and that in addition to the fact that for the past fiscal year the volume of business in the Patent Office increased 36 per cent over what it was the preceding year. The business of the office has been increasing all along at an enormous rate, during which time there has not only not been any increase in salaries, but practically no increase in the number of employees authorized.

The Patent Office occupies the peculiar position of perhaps being the only department of the Government which is not only self-sustaining but which annually pays a profit into the Public Treasury. Since the creation of the Patent Office it has put into the Public Treasury over \$8,000,000 more than has been paid out for the Patent Office.

Mr. HUDSPETH. Will the gentleman yield for a question?

Mr. DAVIS of Tennessee. I yield.

Mr. HUDSPETH. Can the gentleman inform me if with the reductions made by the Senate there is an increase in the salaries of Patent Office employees, or a decrease; and if so, how much?

Mr. DAVIS of Tennessee. Some of them were restored to the present salaries, and some of them were made to be slightly in excess of the present salaries; but, in that connection, I will say to the gentleman from Texas that the Senate amendment reduced the number of employees in the Patent Office about 15 per cent below the present personnel.

Mr. HUDSPETH. Under the bill as passed by the House what is the average increase in the pay of Patent Office employees?

Mr. DAVIS of Tennessee. I am not prepared to state the average increase, but the total increase for 1,048 employees is \$511,000. That, however, is made up by an increase in the initial filing fee of \$5, together with a provision for charging for making copies, and the additional fees that will come in by reason of this will more than offset the increase in salaries provided for in the bill.

Mr. HUDSPETH. Then there is nothing taken out of the Treasury by this bill?

Mr. DAVIS of Tennessee. No. This bill will not only not result in any additional burden on the Treasury, but the Patent Office will still, as heretofore, pay more into the Public Treasury than it takes out. And with regard to these additional fees, which take care of the increased cost, I wish to call the attention of the committee to the fact that the very people who pay these fees are willing to pay the increase and are urging the passage of this bill. For instance, the National Association of Manufacturers, consisting of more than 5,000 manufacturers; the Chemical Society, with 13,000 members; the Engineering Council, with 45,000 members, together with the National Council of Research, the organizations which will have more to do with the Patent Office and which are more interested than anybody else, are urging the passage of this bill and insisting that it be passed as speedily as possible and in the form in which it originally passed the House.

I could quote from these various interests and authorities and give in detail many very cogent reasons why this relief should be given, and given at once, but deem it unnecessary to do so.

However, last night I picked up the Scientific American, one of the highest-class scientific magazines in this country, and it contained a lengthy article on the needs of the Patent Office; and the editor of the Scientific American supplemented this article by an editorial strongly urging the passage of this bill in the original form as it passed the House, and saying that it did not provide for sufficient increases of salaries and employees. Furthermore, in a display note the editor succinctly deals with the subject in the following manner:

The question has been asked very often of late years, "What is the matter with the Patent Office?" Almost as many different answers have been given as distinct answers. Certainly the office is ridiculously undermanned and underpaid; certainly it finds it more than difficult to get Congress to pay serious attention to its complaints. Mr. Wyman, we think, puts his finger on the root of the trouble when he points out that where other departments spend and are expected to spend many millions against receipts that are practically negligible, the Patent Office is always looked to for a profit. The Government pays for every conceivable kind of research and investigation and propaganda; but patents, on which our whole industrial system is founded, pay for themselves and pay a profit. We have not space here to discuss this point more fully; we return to it on our editorial page.

Mr. BLACK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLACK. If this resolution is agreed to, will it be in order to move to agree to the Senate amendments?

The SPEAKER. No; this disagrees to the Senate amendments and sends the bill to conference.

Mr. FESS. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN of Illinois. Mr. Speaker, this bill was considered at considerable length, debated, and amended at the last session of the House. The gentleman from Texas [Mr. BLANTON] then presented his views to the House at some length and embodied his views in a motion to recommit the bill and demanded and received a roll call on his motion. After full consideration of the subject, with a somewhat large attendance of the House at that time, the gentleman from Texas got 6 votes in favor of his proposition as against nearly 300 opposed to it. I do not believe that the judgment of the House has changed much since that time.

What does this propose to do? The bill which is now sought to be sent to conference proposes to somewhat increase the number of employees in the Patent Office, the pay of some of the employees, and to raise the additional money by imposing additional costs and expenses upon those who deal with the Patent Office. It was the general desire of patent attorneys and applicants for patents throughout the country that there should be better service in the Patent Office. They then suggested that they would be glad to pay more for the service rendered to them and have that money expended in higher salaries and for more employees in the Patent Office.

Congress, or this body at least, took them at their word and embodied these suggestions in the bill which the House passed, and which is now sought to be sent to conference. It is not like taking money out of the Public Treasury. Here are men who want service and who want sufficient employees to render them efficient service. They want men of sufficient experience, and they want to pay them enough to keep them in the service of the Government, where they will be worth something to them. They do not want men to go there to learn and then take other positions outside.

Now, this proposition to-day is to send this bill to conference. There ought to be no objection to that. It is customary in this House, where a matter has been gone over and threshed out in debate and amended at one stage of the proceedings, when it comes back that it shall go to conference and then the House can afterwards pass on the conference report and not keep in-

interrupting at all the various stages of the bill. Mr. Speaker, I yield back the balance of my time.

Mr. FESS. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the resolution.

The resolution was agreed to.

Mr. BLACK. Mr. Speaker, I move that the conferees be instructed to agree to Senate amendments 1 to 48, inclusive.

The SPEAKER. The gentleman from Texas moves that the conferees be instructed to agree to Senate amendments 1 to 48, inclusive.

Mr. BLACK. Mr. Speaker, I do not want to take up the time of the House at this late hour in the day, but these Senate amendments from 1 to 48 relate to the salaries of the commissioner and the various employees in Patent Office. They reduce to some extent the schedule of salaries that was provided in the House bill, but not to an unreasonable extent, and that is why I favor them. It must be remembered that this bill was passed in the House several months ago and that since then the financial conditions in the United States have undergone a very substantial change. We do not get a daily paper, Mr. Speaker, any day of the week but what we read of reductions of wages that are being put into effect throughout the United States. I regret that the situation is that way, but nevertheless it is true, and we should not overlook these general economic conditions when we come to fix Government salaries.

We are also reminded every day of figures that show that commodity prices are constantly on the decline and that the cost of living has been reduced very substantially during the last several months.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. BLACK. In a moment. This decrease in the cost of living in itself amount to an increase in salary. If there has been, for instance, a reduction of 20 per cent in the cost of living from the high level of the war, then that to the average salaried man amounts to an increase of 20 per cent of his salary, because the dollar purchases 20 per cent more. I yield to the gentleman from Illinois.

Mr. CHINDBLOM. There are a number of reductions in the number of employees in the amendments to which the gentleman refers. Does the gentleman believe that these reports in the newspapers about a change in working conditions and wages would have any effect upon the number of employees in the Patent Office?

Mr. BLACK. Not necessarily so, but still the industrial conditions which prevail, I dare say, will affect the business of the Patent Office as well as the Post Office Department and practically all other departments of the Government. We are now asserting in speeches and extension of remarks and in every other method that we can think about, our devotion to economy, and the only way that we will ever get on that highway will be to begin to travel on it. In my judgment the amendments of the Senate are reasonable and will give these patent employees a reasonable compensation. For that reason I hope that my motion to instruct the conferees to agree to these Senate amendments will be agreed to. Mr. Speaker, I move the previous question on the motion to instruct the conferees.

The SPEAKER. The question is on ordering the previous question on the motion to instruct the conferees.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Texas to instruct the conferees.

The question was taken; and on a division (demanded by Mr. BLACK) there were—ayes 17, noes 47.

Mr. BLANTON. Mr. Speaker, I ask for the yeas and nays, and pending that I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. It is evident that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the motion of the gentleman from Texas to instruct the conferees.

The question was taken; and there were—yeas 54, nays 213, not voting 164, as follows:

YEAS—54.

Ashbrook	Brinson	Crisp	Lanham
Aswell	Buchanan	Doughton	Lankford
Bell	Caraway	Evans, Nebr.	Larsen
Benson	Carter	Goodwin, Ark.	Layton
Black	Clark, Mo.	Hardy, Tex.	Lazaro
Blanton	Cleary	Hoch	Lee, Ga.
Box	Collier	Jacoway	McClintic
Brand	Connally	Jones, Tex.	McKeown

Major
Martin
O'Connor
Oldfield
Overstreet
Park

Parrish
Quin
Rayburn
Sherwood
Small
Stephens, Miss.

Summers, Tex.
Taylor, Colo.
Tillman
Tincher
Vinson
Watkins

Weaver
Wilson, La.
Wright
Young, Tex.

NAYS—213.

Almon
Andrews, Md.
Andrews, Nebr.
Bacharach
Bankhead
Barbour
Barkley
Bee
Begg
Benham
Bland, Mo.
Bland, Va.
Boies
Bowers
Briggs
Brooks, Ill.
Brooks, Pa.
Burdick
Burke
Burroughs
Butler
Byrnes, S. C.
Campbell, Pa.
Cantrill
Carew
Carss
Chindblom
Cole
Cooper
Cramton
Crowther
Curry, Calif.
Dale
Dallinger
Darrow
Davy
Davis, Minn.
Davis, Tenn.
Denison
Dickinson, Iowa
Dickinson, Mo.
Dominick
Dowell
Drane
Drewry
Dunbar
Dupré
Dyer
Eagan
Echols
Edmonds
Elliott
Elston
Esch

Evans, Mont.
Evans, Nev.
Fairfield
Fess
Fish
Fisher
Focht
Fordney
Foster
French
Fuller, Ill.
Ganly
Garrett
Glynn
Goodykoontz
Graham, Ill.
Green, Iowa
Greene, Mass.
Greene, Vt.
Griffin
Hadley
Hardy, Colo.
Harrell
Hawley
Hayden
Hays
Hernandez
Hersman
Hickey
Hicks
Huddleston
Hudspeth
Hull, Iowa
Hull, Tenn.
Humphreys
James, Va.
Jeffers
Johnson, Wash.
Jones, Pa.
Juul
Kearns
Keller
Kelly, Pa.
Kennedy, R. I.
Kettner
Kless
Kincheloe
Kinkaid
Klecza
Knutson
Kraus
Lampert
Lea, Calif.
Lehlbach

NOT VOTING—164.

Ackerman
Anderson
Anthony
Ayres
Babka
Bacer
Blackmon
Bland, Ind.
Booher
Britten
Brown
Brumbaugh
Byrns, Tenn.
Caldwell
Campbell, Kans.
Candler
Cannon
Casey
Christopherson
Clark, Fla.
Hill
Classon
Coady
Copley
Costello
Crago
Cullen
Currie, Mich.
Dempsey
Dent
Dewalt
Donovan
Dooling
Doremus
Dunn
Eagle
Ellsworth
Emerson
Ferris
Fields
Flood
Frear

Freeman
Fuller, Mass.
Gallagher
Gallivan
Gandy
Gard
Garner
Godwin, N. C.
Goldfogie
Good
Goodall
Gould
Graham, Pa.
Griest
Hamill
Hamilton
Harrison
Hastings
Haugen
Hersey
Hill
Hoey
Holland
Houghton
Howard
Hulings
Husted
Hutchinson
Igoe
Ireland
James, Mich.
Johnson, Ky.
Johnson, Miss.
Johnson, S. Dak.
Johnston, N. Y.
Kahn
Kelley, Mich.
Kendall
Kennedy, Iowa
King
Kitchin

Riddick
Robison, Ky.
Rogers
Schall
Sells
Siegel
Sinclair
Sinnott
Smith, Idaho
Smith, Mich.
Smithwick
Snyder
Stegall
Stephens, Ohio
Stoll
Strong, Kans.
Summers, Wash.
Sweet
Swindall
Swope
Tague
Taylor, Ark.
Taylor, Tenn.
Temple
Thompson
Tilson
Timberlake
Tinkham
Towner
Treadway
Upshaw
Valle
Venable
Vestal
Voigt
Walsh
Walters
Wason
Watson
Webster
Welling
Welly
White, Kans.
White, Me.
Williams
Wilson, Pa.
Wingo
Woods, Va.
Yates
Young, N. Dak.
Zihlman

Romjue
Rose
Rouse
Rowan
Rowe
Rubey
Rucker
Sabath
Sanders, Ind.
Sanders, La.
Sanders, N. Y.
Sanford
Scully
Sears
Shreve
Sims
Sisson
Slomp
Smith, Ill.
Smith, N. Y.
Snell
Stedman
Steele
Steenerson
Stevenson
Stiness
Strong, Pa.
Sullivan
Thomas
Vare
Volk
Volstead
Ward
Whaley
Wheeler
Wilson, Ill.
Winslow
Wise
Wood, Ind.
Woodyard

So the motion was rejected.

The Clerk announced the following pairs:
Until further notice:

Mr. LONGWORTH with Mr. KITCHIN.

Mr. KAHN with Mr. DENT.

Mr. GOOD with Mr. FLOOD.

Mr. CANNON with Mr. RIORDAN.
 Mr. NOLAN with Mr. MAHER.
 Mr. ROSE with Mr. HOWARD.
 Mr. MADDEN with Mr. JOHNSON of Kentucky.
 Mr. MASON with Mr. BYRNS of Tennessee.
 Mr. CAMPBELL of Kansas with Mr. HARRISON.
 Mr. PERLMAN with Mr. GOLDFOGLE.
 Mr. KING with Mr. HASTINGS.
 Mr. BROWNE with Mr. JOHNSON of Mississippi.
 Mr. MCKENZIE with Mr. MANN of South Carolina.
 Mr. KREIDER with Mr. LINTHICUM.
 Mr. IRELAND with Mr. JOHNSTON of New York.
 Mr. CLASSON with Mr. ROWAN.
 Mr. GOULD with Mr. SIMS.
 Mr. MORIN with Mr. CASEY.
 Mr. SMITH of Illinois with Mr. AYRES.
 Mr. DUNN with Mr. SANDERS of Louisiana.
 Mr. VOLK with Mr. SABATH.
 Mr. JOHNSON of South Dakota with Mr. CLARK of Florida.
 Mr. ACKERMAN with Mr. WISE.
 Mr. MOTT with Mr. RAINY of Alabama.
 Mr. ROWE with Mr. BRUMBAUGH.
 Mr. CRAGO with Mr. LESHER.
 Mr. LUHRING with Mr. MEAD.
 Mr. VOLSTEAD with Mr. THOMAS.
 Mr. MOORE of Ohio with Mr. BAKKA.
 Mr. ANDERSON with Mr. DONOVAN.
 Mr. HOUGHTON with Mr. MOONEY.
 Mr. STRONG of Pennsylvania with Mr. DEWALT.
 Mr. GRAHAM of Pennsylvania with Mr. STEELE.
 Mr. SNELL with Mr. CANDLER.
 Mr. HAUGEN with Mr. GODWIN of North Carolina.
 Mr. LANGLEY with Mr. SULLIVAN.
 Mr. REED of New York with Mr. FIELDS.
 Mr. BLAND of Indiana with Mr. HOLLAND.
 Mr. RADCLIFF with Mr. MOON.
 Mr. ELLSWORTH with Mr. DOOLING.
 Mr. HUSTED with Mr. BLACKMON.
 Mr. FREEMAN with Mr. SMITH of New York.
 Mr. SHREVE with Mr. PADGETT.
 Mr. VARE with Mr. MCCLANE.
 Mr. KELLEY of Michigan with Mr. COADY.
 Mr. CHRISTOPHERSON with Mr. NICHOLLS.
 Mr. STEENERSON with Mr. BOOHER.
 Mr. KENDALL with Mr. SEARS.
 Mr. RODENBERG with Mr. GALLIVAN.
 Mr. GRIST with Mr. RUCKER.
 Mr. FREAR with Mr. EAGLE.
 Mr. COPLEY with Mr. ROMJUE.
 Mr. NELSON of Wisconsin with Mr. STEVENSON.
 Mr. McLAUGHLIN of Nebraska with Mr. IGOR.
 Mr. REAVIS with Mr. GARD.
 Mr. STINESS with Mr. BARKLEY.
 Mr. ANTHONY with Mr. RUBEY.
 Mr. REED of West Virginia with Mr. STEDMAN.
 Mr. HERSEY with Mr. SISSON.
 Mr. CURRIE of Michigan with Mr. DOREMUS.
 Mr. SANDERS of Indiana with Mr. MANSFIELD.
 Mr. SCOTT with Mr. POU.
 Mr. JAMES of Michigan with Mr. CALDWELL.
 Mr. SANDERS of New York with Mr. HAMILL.
 Mr. HILL with Mr. ROBINSON of North Carolina.
 Mr. WINSLOW with Mr. SCULLY.
 Mr. DEMPSEY with Mr. GANDY.
 Mr. WOOD of Indiana with Mr. OLNEY.
 Mr. WOODYARD with Mr. GARNER.
 Mr. HULINGS with Mr. CULLEN.
 Mr. WHEELER with Mr. O'CONNELL.
 Mr. HUTCHINSON with Mr. FERRIS.
 Mr. WARD with Mr. GALLAGHER.
 Mr. WILSON of Illinois with Mr. LONERGAN.
 Mr. NEWTON of Minnesota with Mr. HOEY.
 Mr. SLEMP with Mr. WHALEY.
 The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will unlock the doors. The Chair announces the following conferees:

The Clerk read as follows:

Mr. NOLAN, Mr. LAMPERT, and Mr. DAVIS of Tennessee.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed joint resolution and bill of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 212. Joint resolution directing the War Finance Corporation and the Federal Reserve Board to take certain action for the relief of the present depression in the agricultural sections of the country.

S. 4565. An act to extend the requirements of annual assessment work on mining claims during the year 1920.

The message also announced that the Senate had passed without amendment joint resolution (H. J. Res. 407) authorizing payment of the salaries of officers and employees of Congress for December, 1920, on the twentieth day of said month.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 407. Joint resolution authorizing payment of the salaries of officers and employees of Congress for December, 1920, on the 20th day of said month.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution (S. J. Res. 212) directing the War Finance Corporation to take certain action for the relief of the present depression in the agricultural sections of the country, and for other purposes, was taken from the Speaker's table and referred to the Committee on Banking and Currency.

LEAVE OF ABSENCE.

By unanimous consent, Mr. GALLIVAN was granted leave of absence, indefinitely, on account of illness.

ADJOURNMENT.

Mr. FESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 14 minutes p. m.) the House adjourned until to-morrow, Wednesday, December 15, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

216. A letter from the Acting Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the Department of Agriculture, to be immediately available, for preventing the spread of moths (H. Doc. No. 919); to the Committee on Appropriations and ordered to be printed.

217. A letter from the Acting Secretary of the Treasury, transmitting supplemental and deficiency estimates of appropriations required by the Department of Justice for the fiscal year 1921 and for prior years (H. Doc. No. 920); to the Committee on Appropriations and ordered to be printed.

218. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation for printing and binding for the Department of Commerce for the fiscal year 1921 (H. Doc. No. 921); to the Committee on Appropriations and ordered to be printed.

219. A letter from the Secretary of the Treasury, transmitting estimate of appropriation for dedicating the monument to Francis Scott Key and others at Fort McHenry, Baltimore, Md., during the fiscal year 1922 (H. Doc. No. 922); to the Committee on Appropriations and ordered to be printed.

220. A letter from the Secretary of Agriculture, transmitting report of expenditures for the fiscal year 1920 out of funds appropriated for the survey, construction, and maintenance of roads and trails within the national forests, also in connection with the construction of rural post roads; to the Committee on Expenditures in the Department of Agriculture.

221. A letter from the Secretary of Agriculture, transmitting statement showing the travel from Washington to points outside of the District of Columbia performed by officers or employees of the Department of Agriculture; to the Committee on Expenditures in the Department of Agriculture.

222. A letter from the Secretary of the Navy, transmitting lists of useless executive papers and requesting their disposal; to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BARKLEY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 14664) to authorize the Louisville & Nashville Railroad, its successors and assigns, to construct a bridge across the Alabama River at or near a point approximately 4 miles from the city of Montgomery, Ala., reported the same without amendment, accompanied by a report (No. 1119), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HICKS: A bill (H. R. 15079) to abolish the punishment of solitary confinement on bread and water as authorized by the Articles for the Government of the Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 15080) to change the name of the Bureau of Navigation to the bureau of personnel in the Navy Department; to the Committee on Naval Affairs.

By Mr. NEWTON of Missouri: A bill (H. R. 15081) to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917; to the Committee on Interstate and Foreign Commerce.

By Mr. RANDALL of California: A bill (H. R. 15082) to authorize the Postmaster General to establish post offices of the second and third class in certain cases; to the Committee on the Post Office and Post Roads.

By Mr. BLANTON: A bill (H. R. 15083) to prohibit for one year the importation of cotton, cotton seed, corn, wheat, wheat flour, oil cake, vegetable oils, cattle, sheep, hogs, hides, beef, veal, mutton, lamb, wool, mohair, rye, barley, flax, peanuts, oats, and all food substitutes for farm products raised in the United States; to the Committee on Ways and Means.

By Mr. BENSON: A bill (H. R. 15084) providing for survey of Northeast River in Cecil County, State of Maryland; to the Committee on Rivers and Harbors.

By Mr. McKEOWN: A bill (H. R. 15085) to perpetuate the memory of the Chickasaw and Seminole Tribes of Indians in Oklahoma; to the Committee on Indian Affairs.

By Mr. LEE of Georgia: A bill (H. R. 15086) to appropriate additional sums for Federal aid in the construction of rural post roads, and for other purposes; to the Committee on Roads.

By Mr. ESCH: A bill (H. R. 15087) to amend sections 8 and 9 of the Panama Canal act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHALL: A bill (H. R. 15088) to provide for the nomination and selection of candidates for the offices of President, Vice President, Senators, and Representatives in Congress, for the election of such candidates to office, and for other purposes; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. FORDNEY: A bill (H. R. 15089) fixing the compensation of United States inspectors of customs; to the Committee on Ways and Means.

By Mr. GRAHAM of Illinois: A bill (H. R. 15090) to prohibit the sale, transfer, or lease of property of the United States to certain persons named therein and providing penalties for a violation of the same; to the Committee on the Judiciary.

Also, a bill (H. R. 15091) directing the transfer to the Court of Claims of certain claims made under the act approved March 2, 1919, and entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes"; to the Committee on Military Affairs.

By Mr. DUNN: Joint resolution (H. J. Res. 411) authorizing the Secretary of the Treasury to enter into an agreement to lease or to execute a lease for hospitals acquired or to be constructed by the State of New York or other States of the United States of America for the care and treatment of beneficiaries of the Bureau of War Risk Insurance; to the Committee on Public Buildings and Grounds.

By Mr. SCHALL: Joint resolution (H. J. Res. 412) proposing an amendment to the Constitution of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. McLEOD: Resolution (H. Res. 613) to investigate conduct of Walter Reed Hospital, Washington, D. C.; to the Committee on Rules.

By Mr. BURKE: Resolution (H. Res. 614) protesting against the looting and burning of the city of Cork and appealing to the British Government to recognize the government established by a majority of the Irish people; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN: A bill (H. R. 15092) granting an increase of pension to Frances T. Gaddis; to the Committee on Invalid Pensions.

By Mr. DAVIS of Tennessee: A bill (H. R. 15093) granting a pension to George W. Byford; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 15094) granting a pension to Julia Kiess; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 15095) granting a pension to Jacob J. Spencer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15096) granting a pension to William A. Fox; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 15097) for the relief of James R. Maguire; to the Committee on the Public Lands.

By Mr. GRIFFIN: A bill (H. R. 15098) for the relief of Thomas F. Kenny; to the Committee on Claims.

By Mr. JOHNSON of Washington: A bill (H. R. 15099) to reimburse David J. Williams for cash shortage due to theft of public funds; to the Committee on Claims.

By Mr. LINTHICUM: A bill (H. R. 15100) granting a pension to Annie Jogtenberg; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 15101) granting a pension to Catherine E. Hartman; to the Committee on Pensions.

By Mr. McPHERSON: A bill (H. R. 15102) to correct the military record of William Karch; to the Committee on Military Affairs.

Also, a bill (H. R. 15103) to correct the military record of Ira T. Washburn; to the Committee on Military Affairs.

Also, a bill (H. R. 15104) granting a pension to Bertha C. Hammer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15105) granting a pension to Sarah G. Freeman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15106) granting a pension to Charles F. Bennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15107) granting a pension to Joshua C. Carney; to the Committee on Pensions.

By Mr. RANDALL of Wisconsin: A bill (H. R. 15108) granting a pension to Gustave Stoeckel; to the Committee on Pensions.

Also, a bill (H. R. 15109) granting a pension to Katherine Wheeler Hauns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15110) granting a pension to Lizzie Baily; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15111) granting an increase of pension to Mary A. Gooden; to the Committee on Pensions.

Also, a bill (H. R. 15112) granting an increase of pension to Helen L. Greene; to the Committee on Pensions.

By Mr. ROUSE: A bill (H. R. 15113) granting a pension to Line Wills; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15114) granting an increase of pension to Kate Momper; to the Committee on Pensions.

By Mr. SANDERS of New York: A bill (H. R. 15115) granting a pension to Thomas McGinnis; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 15116) granting an increase of pension to Isabella Deloach; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 15117) granting a pension to Levi T. Miller; to the Committee on Pensions.

Also, a bill (H. R. 15118) granting a pension to Catherine E. Weatherby; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 15119) granting an increase of pension to Frederick Warren; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 15120) granting an increase of pension to Margaret I. Reider; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 15121) for the relief of the owner of the schooner *Mary Bradford Peirce*; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4480. By Mr. ELSTON: Petition of the Sierra Club of California, urging elimination of national parks from Federal water-power acts; to the Select Committee on Water Power.

4481. By Mr. FULLER of Illinois: Petition of the Catholic Order of Foresters, St. Benedict Court, No. 782, of Peru, Ill., protesting against the use of uncivilized African troops in the occupied German area; to the Committee on Foreign Affairs.

4482. Also, petition of the Catholic Women's League, of Rockford, Ill., favoring the Smith-Towner educational bill; to the Committee on Education.

4483. Also, petition of 20 women of the Dekalb (Ill.) Drama Club, favoring the passage of the Sheppard-Towner maternity bill; to the Committee on Interstate and Foreign Commerce.

4484. Also, petition of the Emergency Agency, of Chicago, favoring 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

4485. Also, petition of Capt. William H. Maxwell, Fitzsimons General Hospital, Denver, Colo., for the retirement of disabled emergency officers of the Army; to the Committee on Military Affairs.

4486. By Mr. IRELAND: Petition of various citizens of Illinois, urging that an import duty be placed on Canadian wheat and live stock and Argentine corn; to the Committee on Interstate and Foreign Commerce.

4487. By Mr. JOHNSON of Washington: Petition of several residents of Pierce County, Wash., favoring the passage of H. R. 10925, maternity and infancy protective bill; to the Committee on Interstate and Foreign Commerce.

4488. By Mr. LINTHICUM: Petition of Stevens Bros., Baltimore, re letter rates; to the Committee on the Post Office and Post Roads.

4489. Also, petition of John J. Greer & Co., Baltimore, re letter rates; to the Committee on the Post Office and Post Roads.

4490. Also, petition of James Robertson Manufacturing Co., Baltimore, re letter rates; to the Committee on the Post Office and Post Roads.

4491. Also, petition of the Stieff Co., Baltimore, re letter rates; to the Committee on the Post Office and Post Roads.

4492. Also, petition of Richard Sutton, Baltimore, Md., on fourfold bonus bill; to the Committee on Ways and Means.

4493. Also, petition of Mrs. V. F. Ganse, of Baltimore, re House bill 10925; to the Committee on Interstate and Foreign Commerce.

4494. Also, petition of Mrs. H. F. Baker, of Baltimore, Md., Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4495. Also, petition of Mrs. Edward Shoemaker, of Baltimore, Md., House bill 10925; to the Committee on Interstate and Foreign Commerce.

4496. Also, petition of Mrs. Adolph J. Ginsberg, of Baltimore, Md., House bill 10925; to the Committee on Interstate and Foreign Commerce.

4497. Also, petition of Mrs. S. Bowie Claggett, of Mitchellville, Md., re House bill 10925; to the Committee on Interstate and Foreign Commerce.

4498. Also, petition of John B. Adt Co., of Baltimore, Md., on Patent Office life-saving bill; to the Committee on Patents.

4499. Also, petition of Bernheimer Bros., of Baltimore, Md., on revenue law; to the Committee on Ways and Means.

4500. Also, petition of James E. Corprew, president of the Federal Employees' Union of Baltimore, Md., re Coast Guard appropriation; to the Committee on Appropriations.

4501. Also, petition of the Alumnae Association of Eastern High School, Baltimore, re H. R. 12466; to the Select Committee on Water Power.

4502. Also, petition of Mrs. Mae E. Mitchell, of Baltimore, re Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4503. Also, petition of James H. Dorsey, of Baltimore, re letter rates; to the Committee on the Post Office and Post Roads.

4504. Also, petition of McCawley & Co., re taxation; to the Committee on Ways and Means.

4505. Also, petition of Baltimore Cooperage Co., of Baltimore, re excess tax laws; to the Committee on Ways and Means.

4506. Also, petition of the American Utensils Co., of Baltimore, re lifting Russian blockade; to the Committee on Interstate and Foreign Commerce.

4507. Also, petition of Joseph N. Matthal, of Baltimore, Md., re discrimination between Regular and other Army officers; to the Committee on Military Affairs.

4508. Also, petition of the Maryland League of Women Voters, of Baltimore, and the Baltimore Kindergarten Club, re House bill 10925; to the Committee on Interstate and Foreign Commerce.

4509. By Mr. McARTHUR: Petition of the Morrow County Wool Growers' Association, favoring an embargo on all foreign wool; to the Committee on Ways and Means.

4510. By Mr. O'CONNELL: Petition of Henry F. Samstag, of New York, favoring legislation that will provide for the administration of national affairs in Alaska; to the Committee on the Territories.

4511. Also, petition of the Disabled Emergency Officers of the World War, Fitzsimons Chapter, Denver, Colo., favoring the same retirement for disabled emergency officers as is provided for Regular Army officers who are disabled; to the Committee on Military Affairs.

4512. By Mr. SINCLAIR: Petition of the Women's Fortnightly Club of Carson, N. Dak., urging the passage of the Sheppard-Towner maternity bill; to the Committee on Interstate and Foreign Commerce.

4513. By Mr. SMITH of Michigan: Petition of the Charlotte Tribune, Charlotte, Mich., protesting against the repeal of the zone system; to the Committee on the Post Office and Post Roads.

4514. Also, petition of the Wool Marketing Commission of the American Farm Bureau Federation, urging an embargo upon the importation of wools, woolens, and all sheep products; to the Committee on Ways and Means.

4515. Also, petition of Branch County (Mich.) Pomona Grange, favoring the "truth in fabric" bill; to the Committee on Interstate and Foreign Commerce.

4516. By Mr. SNYDER: Petition of the ice-cream manufacturers of New York State, urging relief in the matter of determining and collecting Federal taxes; to the Committee on Ways and Means.

4517. By Mr. TIMBERLAKE: Petition of the Disabled Emergency Officers of the World War, Fitzsimons Chapter, Denver, Colo., favoring the same retirement for disabled emergency officers as is provided for Regular Army officers who are disabled; to the Committee on Military Affairs.

4518. Also, four long petitions of citizens of Greeley, Colo., urging the immediate passage of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4519. By Mr. YATES: Petition of Mrs. F. S. White, Rock Island Women's Club, Rock Island, Ill., favoring the passage of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4520. Also, petition of Mrs. H. W. Cheney, State president of the Illinois League of Women Voters, of Chicago, Ill., urging the passage of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4521. Also, petition of Merrill Cox & Co., of Chicago, Ill., protesting against the dumping of foreign wools on our shores while our home production is seeking a market; to the Committee on Interstate and Foreign Commerce.

4522. Also, petition of Miss Katherine H. Obye, of Galena, Ill., favoring the passage of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4523. Also, petition of Chester S. Simmons, of Chicago, Ill., protesting against House bill 12466; to the Select Committee on Water Power.

4524. Also, petition of Miss Jean Corlett, of Joliet, Ill., secretary P. E. O. Sisterhood, Chapter B. A., favoring the passage of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4525. Also, petition of Mr. R. L. Mays, international president of Railway Men's International Benevolent Industrial Association, of Chicago, concerning section 301 of the transportation act; to the Committee on Interstate and Foreign Commerce.

4526. Also, petition of John H. Martin, of Chandlerville, Ill., protesting against a bill now before the Senate committee excluding all wireless amateurs; to the Committee on Interstate and Foreign Commerce.

4527. Also, petition of the National Association of Corrugated Fiber Box Manufacturers, of Chicago, protesting against the system of weights and measures known as the metric system; to the Committee on Coinage, Weights, and Measures.

4528. Also, petition of C. E. Wellman, clerk circuit county court, Danville, Ill., concerning legislation in regard to Spanish War widows' pensions; to the Committee on Pensions.

4529. Also, petition of the Thayer Action Co., of Rockford, Ill., protesting against the war and excess-profits taxes; to the Committee on Ways and Means.

4530. Also, petition of the Zirkel, by Louis Reinecker, secretary, of Chicago, protesting against the retention of colonial colored troops in the occupied area of Germany; to the Committee on Foreign Affairs.

4531. Also, petition of Roy F. Dusenbury, of Kankakee, Ill., favoring the Stevenson bill; to the Committee on Military Affairs.

4532. Also, presents petitions favoring the 1-cent drop-letter rate for cities, towns, and rural routes, of Swain Nelson & Sons Co., of Chicago; the Engineering Agency (Inc.), of Chicago; Russell-Meyer Grocer Co., of Clinton; F. E. and F. H. Avery, of Peoria; Ziegler Bros. Co., of Elgin; National Mirror Works, of Rockford, all in the State of Illinois; to the Committee on the Post Office and Post Roads.

4533. Also, petition of Capt. William H. Maxwell, Fitzsimons General Hospital, Denver, Colo., urging the passage of the Stevenson bill; to the Committee on Military Affairs.

4534. Also, petition of F. A. Roziene, president of the National Association of Vicksburg Veterans, of Chicago, favoring House bills 5 and 9979; to the Committee on Military Affairs.

4535. Also, the following protests against the Falls River Basin bill and the Federal Water Power Commission act: Thomas Boal, the Chicago College Club, Mrs. R. H. Fulton, Horace Porter, Ruth Freese, Catharine A. Mitchell, all of Chicago, and the La Grange Woman's Club, of La Grange, and the Nature Study Society of Rockford, all in the State of Illinois; to the Select Committee on Water Power.

SENATE.

WEDNESDAY, December 15, 1920.

The Chaplain, Rev. Forrest J. J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou hast given us but little time. Thou dost require great things at our hands. A mighty task is before us. Tremendous responsibilities weight us down. Who are sufficient for these things? In the midst of life are changes and uncertainties. We look to Thee, O God, God of our fathers, who has presided over councils of state. We pray Thy blessing upon us that we may fill up the measure of our time with the largest measure of service to our fellow men and to the glory of Thy Name. For Christ's sake. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

TRAVEL EXPENDITURES OF AGRICULTURAL DEPARTMENT.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement showing travel of officials and employees of the department on official business during the fiscal year 1920, which was referred to the Committee on Appropriations.

EXPENDITURES UNDER FEDERAL AID ROAD ACT.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement showing expenditures under the Federal aid road act during the fiscal year ending June 30, 1920, which was referred to the Committee on Agriculture.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 191) to create a joint committee on the reorganization of the administrative branch of the Government.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 407) authorizing payment of the salaries of officers and employees of Congress for December, 1920, on the 20th day of said month, and it was thereupon signed by the Vice President.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 11984) entitled "An act to increase the force and salaries in the Patent Office, and for other purposes," and agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DAVIS of Tennessee, Mr. NOLAN, and Mr. LAMPERT managers at the conference on the part of the House.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Harrison	McLean	Smith, Md.
Ball	Heflin	McNary	Smith, S. C.
Beckham	Henderson	Myers	Smoot
Brandeggee	Hitchcock	Nelson	Spencer
Calder	Jones, Wash.	New	Sterling
Capper	Kellogg	Norris	Sutherland
Culberson	Kendrick	Nugent	Swanson
Curtis	Kenyon	Overman	Thomas
Dial	Keyes	Page	Underwood
Edge	King	Phillis	Wadsworth
Fernald	Kirby	Poin Dexter	Walsh, Mass.
Fletcher	La Follette	Ransdell	Walsh, Mont.
France	Lenroot	Sheppard	Warren
Gore	McCumber	Simmons	
Harris	McKellar	Smith, Ga.	

Mr. SHEPPARD. I wish to announce that the Senator from Oregon [Mr. CHAMBERLAIN] is absent on official business, and

that the Senator from South Dakota [Mr. JOHNSON] is absent by reason of illness.

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present.

PERSONAL EXPLANATION—COTTON FACTORS.

Mr. RANDELL. Mr. President, I rise to make a brief explanation.

During the debate on the 13th instant the Senator from Tennessee [Mr. McKellar] made a statement in regard to the practices of cotton factors and the practices of the Federal Reserve Board in relation thereto. I stated to the Senator that I thought he was mistaken in so far as the New Orleans branch of the Federal Reserve Board was concerned. I find that I was mistaken and that the Senator from Tennessee was entirely correct in his statement of the case. I wish to make this correction.

PETITIONS.

Mr. MYERS presented a petition of the Orchard Homes Woman's Club, of Missoula, Mont., praying for the enactment of legislation for the protection of maternity and infancy, which was ordered to lie on the table.

He also presented a petition of Local Union No. 3574, United Mine Workers of America, of Klein, Mont., in favor of amnesty for all political prisoners, which was referred to the Committee on the Judiciary.

Mr. McCUMBER. Mr. President, I present a telegram from a convention of farmers lately assembled in my State, and I ask that it may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Secretary will read the telegram.

The telegram was read and ordered to lie on the table, as follows:

CANDO, N. DAK., December 14, 1920.

Senator McCUMBER,
Washington, D. C.:

Over 300 farmers of this vicinity have been in convention here considering matter of prices of their produce. Farmers are anxiously watching Congress and looking to Congress as their last hope for relief against inevitable bankruptcy. Official and speculative deflaters, in order to create fear among farmers and force them to unload and reduce prices of their products without regard to cost of production or law of supply and demand, are using all available propaganda, much of which is without foundation in fact. The result will be a ruination of the agricultural industry of the United States if Congress does not promptly and efficiently act in the premises. Resurrect the War Finance Corporation to the end that credits may be extended to foreign countries desiring to purchase our surplus that can furnish satisfactory security. Place an embargo on the importation into the United States of all products which our farmers produce in sufficient quantity to supply the needs of our people, and in that manner not only protect our market but also insure to the American producer the benefit of the credit thus extended. Make the act of selling futures covering articles produced by the farmers of the United States a criminal offense on the part of the seller and his agent, if the seller does not at the time of the sale, in good faith, own and have in the United States the actual article covered by the future sold, and in that manner shut out of our markets the wind injected therein by the speculative deflater, whether he be citizen or foreigner. The American farmer is the best producer and consumer in the world. The agricultural industry is the backbone of our country. The American wheat grower was not dealt fairly with during the war, but he accepted the bitter given him because of his patriotic zeal for victory. After victory and because of the distress of the world, and believing that his Government would at least leave him in no worse position than it placed him during the war, he continued to produce every possible pound of foodstuff at continually increasing cost of production. The American farmer now believes that he is within his rights in demanding and of right is entitled to remedial legislation protecting his market.

J. J. KEHOE,
W. F. BACON,
D. F. MACLAUGHLIN,
Committee.

Mr. POINDEXTER presented a telegram in the nature of a petition from bankers in the city of Toppenish, Wash., praying for the enactment of legislation placing an embargo on wool, which was referred to the Committee on Agriculture and Forestry.

He also presented a telegram in the nature of a petition from bankers in the city of Yakima, Wash., praying for the enactment of legislation placing an embargo on wool and mutton, which was referred to the Committee on Agriculture and Forestry.

Mr. TOWNSEND presented a petition of sundry American Indians praying for the enactment of legislation which will grant and guarantee to them the rights and privileges of citizenship, which was referred to the Committee on Indian Affairs.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 4649) to repeal section 7 of the act of October 6, 1917, entitled "An act making appropriations to supply urgent